



*City of Charleston*

# BOARD OF ZONING APPEALS-ZONING

**October 5, 2021**

**5:15 PM**

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DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

[www.charleston-sc.gov/bza-z](http://www.charleston-sc.gov/bza-z)

**\*\*Video and microphone is currently disabled for all attendees.\*\***

**This meeting is being recorded.**

Go to [www.charleston-sc.gov/bza-z](http://www.charleston-sc.gov/bza-z) for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.

# Zoom Meeting Protocol

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## **Order on Each Application:**

- Chair announces each application followed by staff presentation and recommendation
- Staff presents application and City's recommendation. Staff will control slide presentation
- Staff announces comments received and whether anyone has signed up to speak
- Applicant, after being sworn in, will be allowed to present their application if opposition or questions are raised, followed by public comments from pre-registered attendees in favor. Each speaker will be sworn in before speaking
- Staff then recognizes registered attendees for public comments in opposition. Each speaker will be sworn in
- Staff then recognizes the applicant for a short rebuttal before Chair closes public comments and begins Board discussion

## **Providing Comment:**

- People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
- Your microphone will be disabled after you are finished speaking.

# Board of Zoning Appeals-Zoning

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## **Your Board of Zoning Appeals-Zoning Members are:**

Michael Robinson - Chair	Howell Morrison
John Bennett	Robben Richards
Allison Cannon Grass	Geiza Vargas-Vargas
Walter Jaudon	

## **Your City of Charleston Staff are:**

Lee Batchelder, <i>Zoning Administrator</i>	Pennye Ashby, <i>Senior Planner</i>
Scott Valentine, <i>TRC Coordinator</i>	Vanessa Ellington, <i>Clerk</i>

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The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.

# Board of Zoning Appeals-Zoning

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## Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. these conditions do not generally apply to other property in the vicinity;
- c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.



# Agenda Item #A-1

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Approval of September 21, 2021 BZA-Z Minutes

(click on link below)

<https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/09212021-6867>

## Agenda Item #A-2

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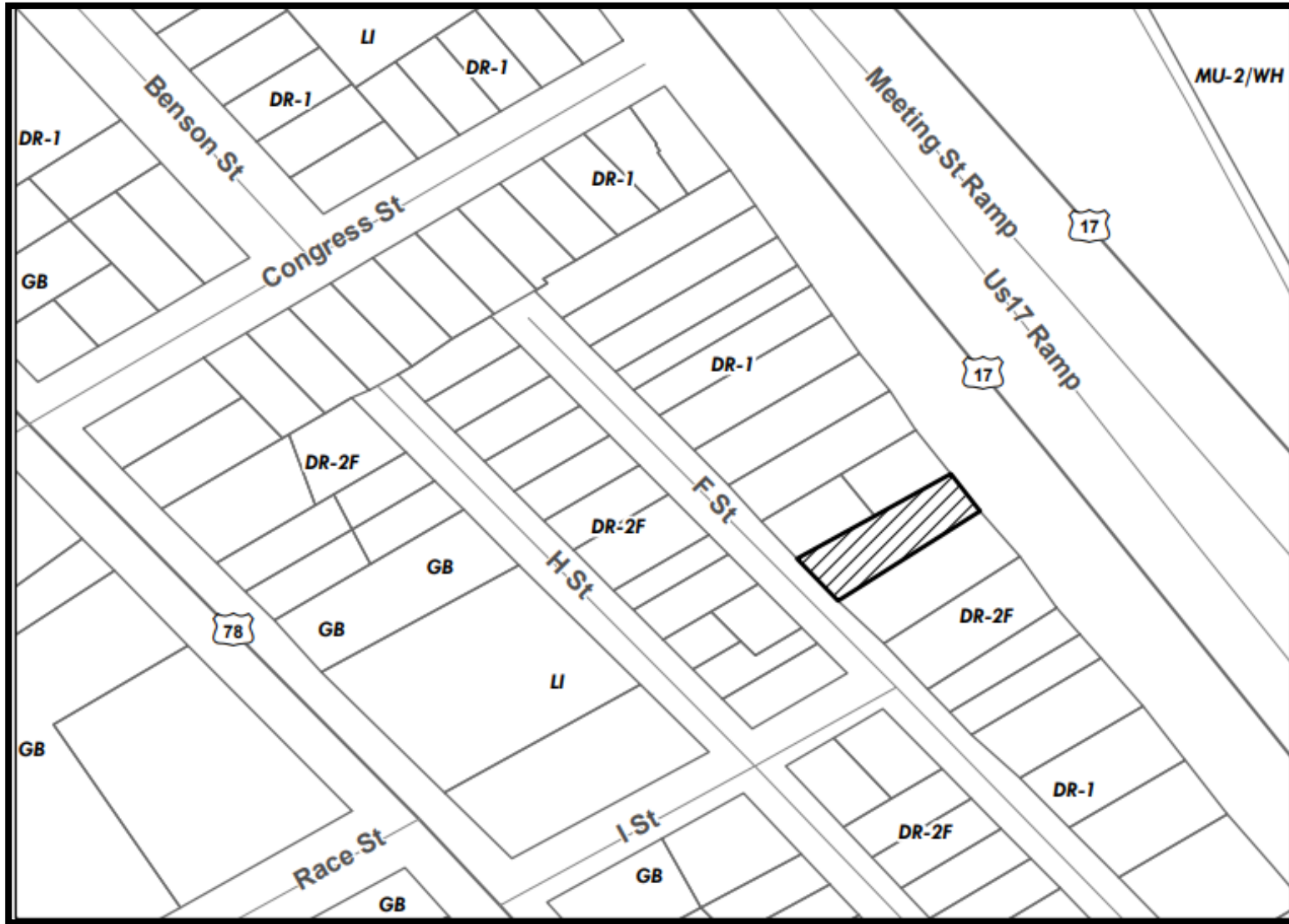
30 F STREET

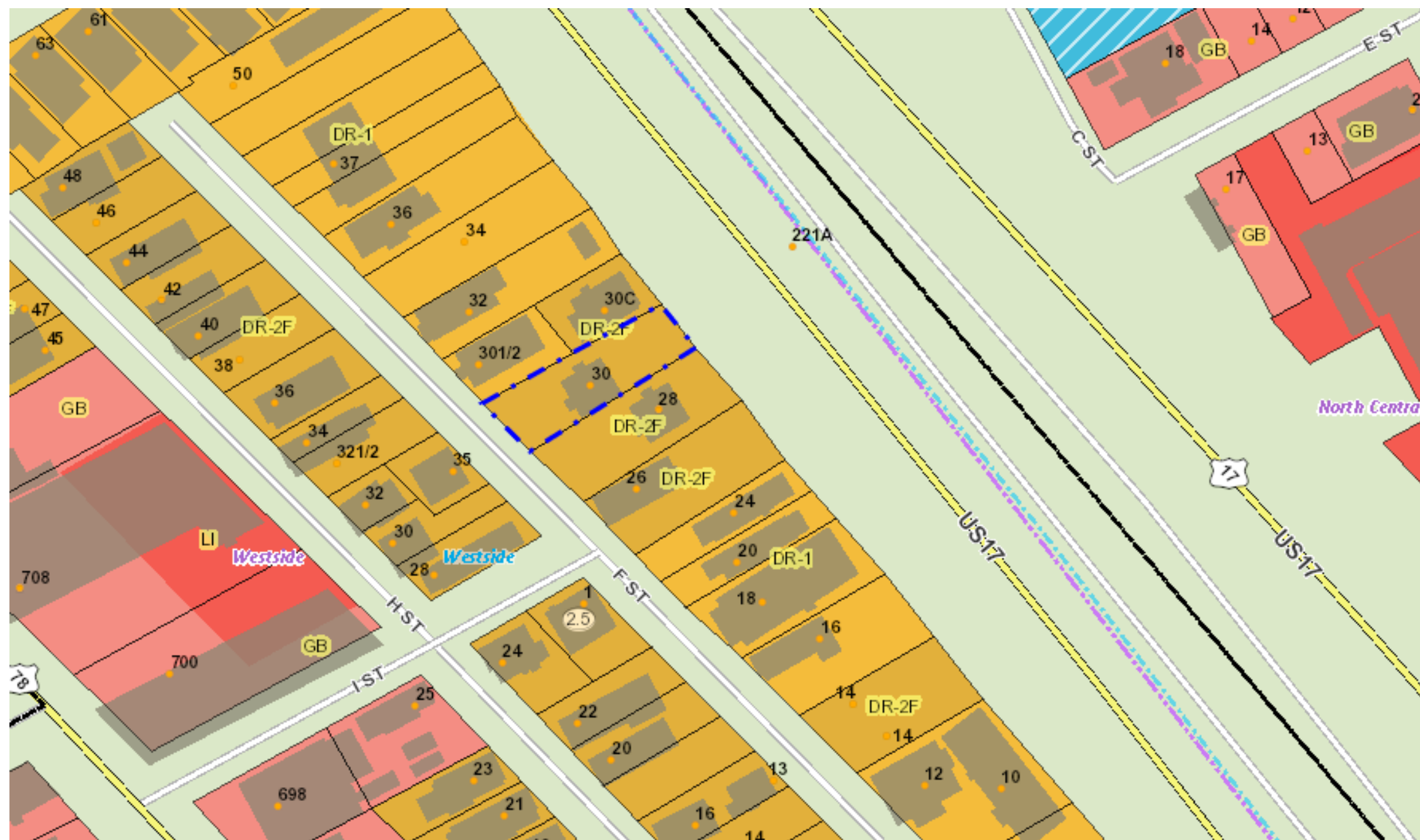
(WESTSIDE)

TMS # 463-16-03-049

Request variance from Sec. 54-301 to allow two detached single-family residences with a 0-ft. north side setback (3-ft. required).

Zoned DR-2F

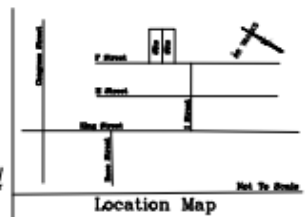
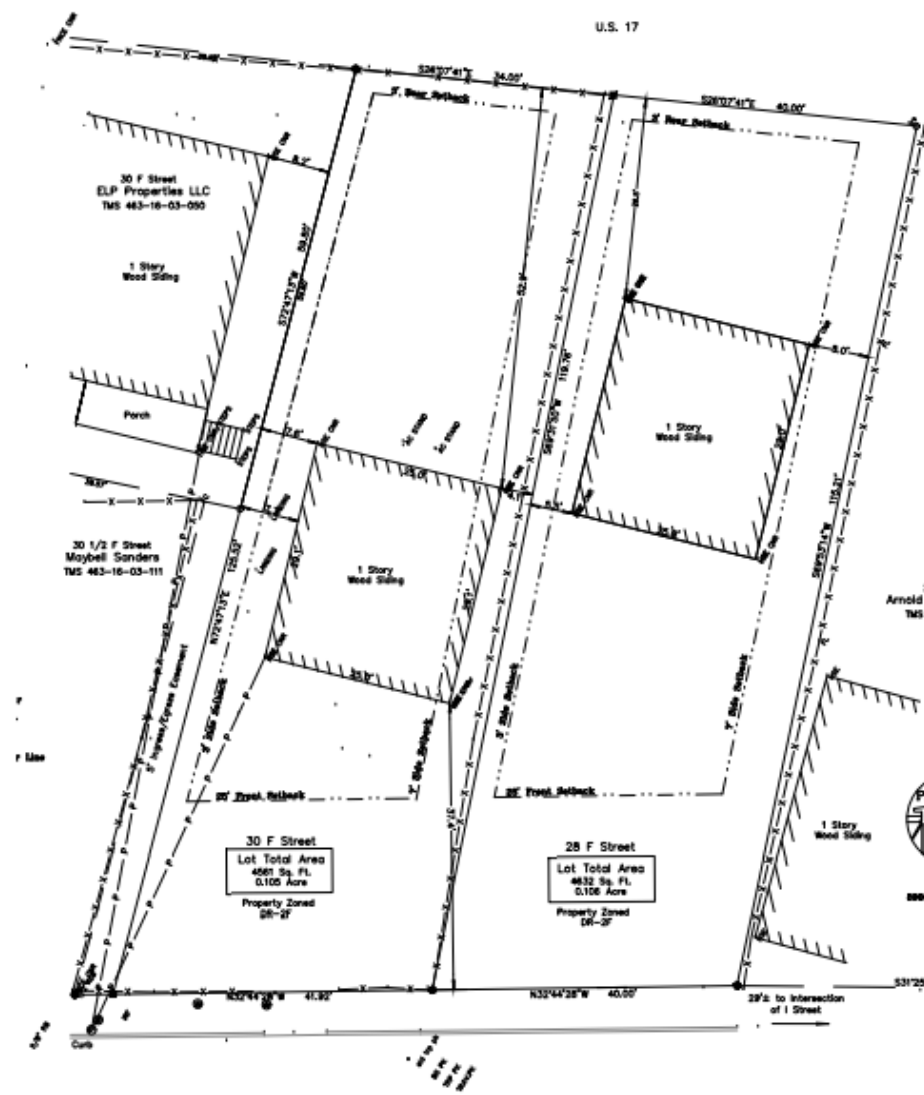












- NOTES**
1. Reference Plat Map Number: 463-16-03-040 (30 F Street)
  2. Reference Plat Map Number: 463-16-03-040 (28 F Street)
  3. Survey requested by Donk Sagerly
  4. The locations of underground utilities are not shown herein.
  5. Surveyor has made no investigation or independent search for monuments of record, encroachments, restrictive covenants, easements, or any other facts that an accurate and correct title search may disclose.
  6. Declaration is made to Original Purchaser of the survey. It is not transferable to additional institutions or subsequent owner.
  7. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge said lot is located in Flood zone X and AE 10' FEMA Map No. 4618C0012 E 01/20/2001 Flood zone should be verified with the governing municipality before design and construction.
  8. Anything shown outside the defined boundary of this survey is for descriptive purposes only.
  9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
  10. Verify setbacks with the City of Charleston before design and construction.

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and made or caused to be made in accordance with the requirements for a Class A survey as specified therein, and there are no visible encroachments or projections other than shown.

C:\Users\palme\Desktop\Signature Scan.jpg

James G. Peabody, P.L.S. No. 10090  
Palmetto Land Surveying, Inc.  
2006 Savannah Highway Suite 2  
Charleston, S.C. 29407 971-5121

# Boundary Survey 30 & 28 F Street Located City of Charleston Charleston County, South Carolina

FIELD DATE: July 1, 2021 SCALE 1"= 10'  
DRAWING DATE: July 2, 2021



2006 SAVANNAH HIGHWAY STE. 2  
CHARLESTON, SC 29407  
PHONE: (843) 512-1001  
FAX: (843) 512-1002  
PalmettoLandSurveying@gmail.com



**EXISTING SURVEY**  
SCALE: 1/8"=1'-0" (2400)  
SCALE: 1/16"=1'-0" (1200) 1"=1'-0"

PRELIMINARY  
NOT FOR  
CONSTRUCTION



DAVID B. HARRIS, ARCHITECT  
118 Broad Street, Suite 100, Charleston, SC 29401  
Tel: 843.524.1111 Fax: 843.524.1112

THE HOUSE RELOCATION AND REMODEL OF:  
**30 F STREET**  
CHARLESTON, SOUTH CAROLINA

EXISTING SURVEY

PROJECT NO.	21-01
OWNER BY	DR
DATE	6.8.2021
REVISIONS	
DATE	
BY	
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	
BY	

CS2



02 WEST ELEVATION



03 NORTH ELEVATION

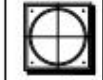


04 EAST ELEVATION



05 SOUTH ELEVATION

PRELIMINARY  
NOT FOR  
CONSTRUCTION



DAVID H. HARRIS, ARCHITECT  
1000 West Street, Charleston, SC 29401  
Phone: 843.526.1800  
Fax: 843.526.1801

THE HOUSE RELOCATION AND REMODEL OF  
**30F STREET**  
CHARLESTON, SOUTH CAROLINA

EXISTING PHOTOS

PROJECT NO: 200-001  
DRAWING BY: DH  
ISSUE DATE: 6-8-2021

REVISIONS	DATE

CS3

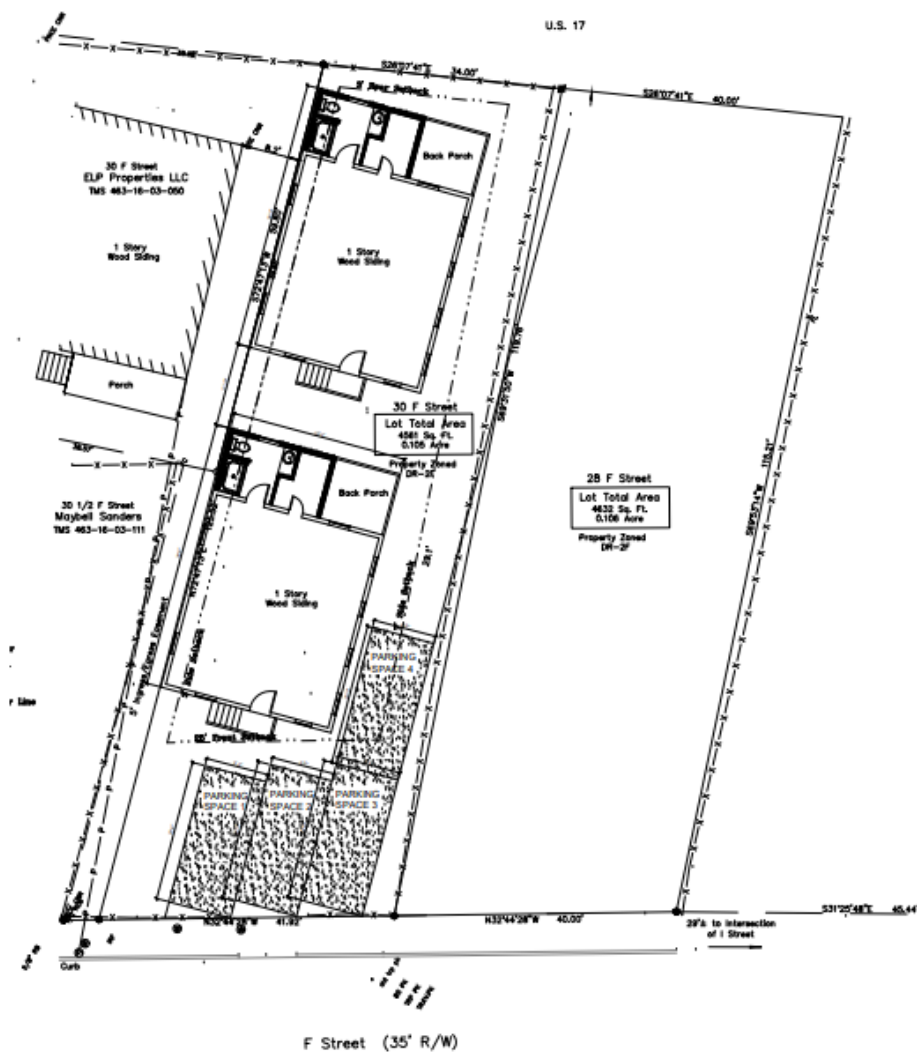
DAVID RICHARDS, ARCHITECT  
100 Broadway, Suite 401, Chicago, IL 60601  
Tel: 312/467-0000

THE HOUSE RELOCATION AND REMODEL OF:  
**30F STREET**  
CHARLESTON, SOUTH CAROLINA

## SITE PLAN

[illegible]

SP1



**SITE PLAN**  
SCALE: 1/8"=1'-0" (24x36)  
SCALE: 1/16"=1'-0" (12x18)





City of Charleston

**Instructions** – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

**THE APPLICANT HEREBY REQUESTS:**

- ☐ A Variance and/or Special Exception as indicated on page 2 of this application.
- ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- ☐ Extension of an unexpired Variance and/or Special Exception approval.

**MEETING DATE REQUESTED:** \_\_\_\_\_

Property Address 30F Street, Charleston SC TMS # 463-16-03-049

Property Owner ELP PROPERTIES Daytime Phone \_\_\_\_\_

Applicant David Richards, Architect Daytime Phone 843-7008

Applicant's Mailing Address 158 Broad Street, Charleston SC

E-mail Address davidrichardsarchitect@comcast.net

Relationship of applicant to owner (same, representative, prospective buyer, other) Architect

Zoning of property DR2F

**Information required with application: (check information submitted)**

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- ☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- ☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☐ Check, credit card or cash (make checks payable to the City of Charleston)
- ☐ **YES or NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

**Optional but very helpful information:**

- ☐ Photographs
- ☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant  Date 8/9/2021

**For office use only**

Date application received \_\_\_\_\_ Fee \$ \_\_\_\_\_ Time application received \_\_\_\_\_  
Staffperson \_\_\_\_\_ Receipt # \_\_\_\_\_

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Submission for moving existing one story residence to adjacent property. Variance from Setback on North side

to allow for four parking spaces to fit better on the site.

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

**All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.**

# 30 F STREET, CHARLESTON, SOUTH CAROLINA

## HOUSE RELOCATION AND REMODEL

### PROJECT, ZONING & BUILDING CODE INFORMATION

#### BUILDING OWNER

CLP PROPERTIES LLC

#### ARCHITECT:

DAVID MCNARD, ARCHITECT  
150 BROAD STREET, CHARLESTON, SC 29401  
TEL: 843.764.0063

#### STRUCTURAL ENGINEER:

PALL CURRY LLC, STRUCTURAL ENGINEERING  
3076 ADAMSURTON WAY, MT. PLEASANT, SC 29485  
TEL: 843.764.8887

#### ZONING INFORMATION:

30F ST. STREET CHARLESTON SC;  
TMS: 483-18-49-849  
ON 3F, DIVERSE RESIDENTIAL ZONING (MULTI-FAMILY RESIDENTIAL)  
OLD CITY HEIGHT DISTRICT: 2.2  
ZONING OVERLAY LAYERS: AR (AMUSEMENT AND RECREATION) OVERLAY  
SHORT TERM RENTALS OVERLAY ZONE - SR CAT 2  
OLD CITY DISTRICT  
SUBDIVISION NORTH CENTRAL  
NEIGHBORHOOD COUNCILS: WESTSIDE

PER CHARLESTON COUNTY ORDINANCE, ARTICLE 3 - SITE REGULATIONS  
PART 1 - SECTION 34-301

DIST. FRONT: 25' REAR: 3' TOTAL 2'  
SIDEYARD: TOTAL: 10' SW: 7' NE: 3'  
MINIMUM LOT: TWO FAMILY: 3,000  
MINIMUM LOT: MULTI-FAMILY: 1,600  
MAX. LOT PERCENTAGE OF LOT OCCUPIED BY BUILDING: 50%  
MAX. HEIGHT LIMITS STRUCTURE: 30' 3 STORY  
MAX. HEIGHT LIMITS FENCE/WALLS: 6'

#### PERCENTAGE OF LOT COVERAGE SITE INFORMATION

PER CHARLESTON COUNTY ORDINANCE, ARTICLE 3 - SITE REGULATIONS  
PART 1 - SECTION 34-301

ALLOWABLE LOT COVERAGE: 88%

CURRENT SITE SQUARE FOOTAGE:  
TOTAL SQ. FOOTAGE: 108 ACRES (1,561,100 SQ. FT.) (APPROX.)

EXISTING BUILDING FOOTPRINT:  
TOTAL BLDG. FOOTPRINT: 727.5 SQ. FT. (APPROX.)

TOTAL EXISTING LOT COVERAGE PERCENTAGE: 15.3%

#### PROPOSED TOTAL BUILDING FOOTPRINTS:

TOTAL CONSTRUCTED BLDG. FOOTPRINT: 1,706 SQ. FT. (APPROX.)  
TOTAL PORCHES AND STEPS: 310 SQ. FT. (APPROX.)  
TOTAL BLDG. FOOTPRINT: 1,916 SQ. FT. (APPROX.)

TOTAL EXISTING LOT COVERAGE PERCENTAGE: 42%

#### OFF-STREET PARKING REQUIREMENTS

IN ACCORDANCE WITH ZONING ORDINANCE, CHARLESTON, SOUTH CAROLINA. (PART  
4 - OFF STREET PARKING, SEC. 54-317 TABLE 3.5)

CATEGORY: RESIDENTIAL "TWO FAMILY DWELLING" REQUIRES TWO PARKING SPACES  
PER UNIT  
EXISTING RESIDENTIAL UNITS: 1 UNIT  
TOTAL PARKING REQUIRED: TWO SPACES  
PROPOSED RESIDENTIAL UNITS: 2 UNITS  
TOTAL PARKING REQUIRED: FOUR SPACES

#### SOUTH CAROLINA BUILDING CODES COUNCIL WIND SPEED ZONES AND SEISMIC DESIGN CATEGORIES

WIND SPEED RANGE (MPH): 140  
SEISMIC ZONE (SRC): S2  
NOTE: ALL PRODUCTS AND BUILDING SYSTEMS SHALL BE INSTALLED IN ACCORDANCE  
STIPULATIONS AS SET FORTH BY THE INTERNATIONAL BUILDING CODE IN REGARD TO  
WIND SPEED AND INDICATED SEISMIC ZONES.

#### FEMA / FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

30 ST. PHILIP STREET MAP PANEL NUMBER:  
DESIGNATED BASE FLOOD ZONE & ELEVATION: AE13  
TOP OF BOTTOM FLOOR: 14.38 BFE

#### APPLICABLE BUILDING CODES & GOVERNING REGULATIONS

2018 INTERNATIONAL BUILDING CODE WITH SC MODIFICATIONS  
2018 INTERNATIONAL RESIDENTIAL CODE WITH SC MODIFICATIONS  
2018 INTERNATIONAL FIRE CODE WITH SC MODIFICATIONS  
2018 SOUTH CAROLINA FIRE CODE  
2018 INTERNATIONAL PLUMBING CODE OR  
2018 SOUTH CAROLINA PLUMBING CODE  
2018 INTERNATIONAL MECHANICAL CODE WITH SC MODIFICATIONS  
2018 INTERNATIONAL ENERGY CONSERVATION CODE  
2018 INTERNATIONAL FUEL GAS CODE WITH SC MODIFICATIONS  
2017 NATIONAL ELECTRICAL CODE (NEC) WITH SC MODIFICATIONS  
2017 ICC A117.1 ADA STANDARDS FOR ACCESSIBLE DESIGN

#### INDEX OF DRAWINGS

001	GENERAL NOTES
002	FOUNDATION
003	FLOOR PLAN
004	WALL/CEILING/ROOF/DOOR & WINDOW
005	MECHANICAL/ELECTRICAL/PLUMBING
006	EXTERIOR FINISHES/PAINTING
007	LANDSCAPE ARCHITECTURE
008	SECTION
009	DETAILS
010	CONSTRUCTION

PRELIMINARY  
NOT FOR  
CONSTRUCTION



DAVID MCNARD, ARCHITECT  
150 BROAD STREET, CHARLESTON, SC 29401  
TEL: 843.764.0063  
WWW.DAVIDMCNARDARCHITECT.COM

THE HOUSE RELOCATION AND REMODEL OF  
30F STREET  
CHARLESTON, SOUTH CAROLINA

COVER SHEET

PROJECT NO.: 2018-001  
DRAWN BY: DM  
ISSUE DATE: 8.8.2021

#### REVISIONS:

NO.	DATE	DESCRIPTION

CS1







12 WEST ELEVATION



13 NORTH ELEVATION



14 EAST ELEVATION



15 SOUTH ELEVATION

PRELIMINARY  
NOT FOR  
CONSTRUCTION



**DAVID H. LARSEN ARCHITECT**  
1000 10th St. S.W.  
Ft. Lauderdale, FL 33304  
Phone: 954.774.1100  
Fax: 954.774.1101

THE HOUSE RELOCATION AND REMODEL OF:  
**30F STREET**  
CHARLESTON, SOUTH CAROLINA

EXISTING PHOTOS

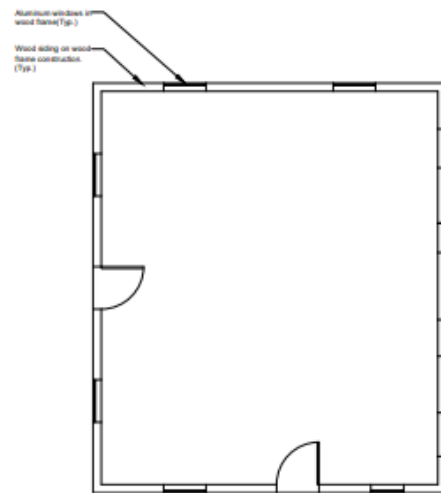
PROJECT NO: 100-001  
DRAWN BY: DML  
SCALE: 1/8" = 1'-0"

REVISIONS:

NO.	DATE	DESCRIPTION

CS3





**EXISTING FIRST FLOOR PLAN**  
SCALE: 1/8"=1'-0" (24/32)  
SCALE: 1/8"=1'-0" (24/32)



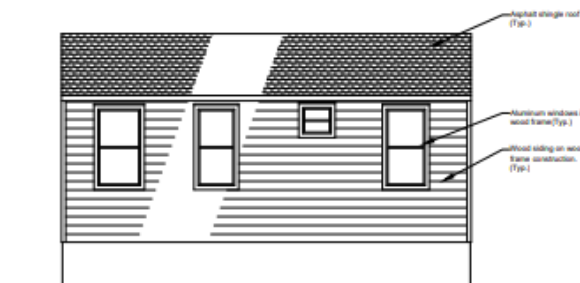
**EXISTING FRONT (WEST) ELEVATION**  
SCALE: 1/8"=1'-0" (24/32)  
SCALE: 1/8"=1'-0" (24/32)



**EXISTING EAST ELEVATION**  
SCALE: 1/8"=1'-0" (24/32)  
SCALE: 1/8"=1'-0" (24/32)



**EXISTING NORTH ELEVATION**  
SCALE: 1/8"=1'-0" (24/32)  
SCALE: 1/8"=1'-0" (24/32)



**EXISTING SOUTH ELEVATION**  
SCALE: 1/8"=1'-0" (24/32)  
SCALE: 1/8"=1'-0" (24/32)

PRELIMINARY  
NOT FOR  
CONSTRUCTION



DAVID B. HARRIS, ARCHITECT  
1118 West Street, Charleston, SC 29401  
Phone: 843.723.1111  
Fax: 843.723.1112  
Email: david@dbharris.com

THE ALTERATION OF:

**30 F STREET**

CHARLESTON, SOUTH CAROLINA

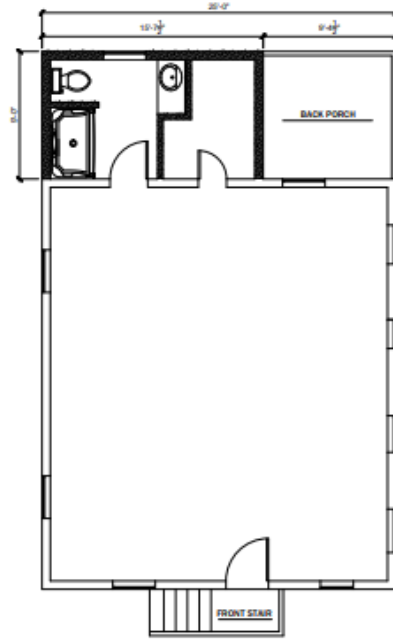
EXISTING PLANS AND ELEVATIONS

PROJ. NO. 20-00  
DRAWN BY: DBH  
ISSUE DATE: 08/2021

REVISIONS:

NO.	DATE	DESCRIPTION

A101



**FIRST FLOOR PLAN**  
SCALE: 1/8"=1'-0" (24X36)  
SCALE: 1/8"=1'-0" (12X18)

WALL TYPE SCHEDULE	
SYMBOL	DESCRIPTION
	One Hour Rated Fire Rated Wall Construction. Refer to Detail S24402.
	Two Hour Rated Fire Rated Wall Construction. Refer to Detail S24402.
	Existing Wall Construction.
	Existing Wall Construction To be removed. Protect adjacent surfaces.
	New Wall Construction - Wood Framing walls unless otherwise noted, see Structural Steel Frame Per Finish Schedule. Note: Install R-15 insulation at all exterior walls and around kitchen and bathrooms.



**FRONT (WEST) ELEVATION**  
SCALE: 1/8"=1'-0" (24X36)  
SCALE: 1/8"=1'-0" (12X18)



**EAST ELEVATION**  
SCALE: 1/8"=1'-0" (24X36)  
SCALE: 1/8"=1'-0" (12X18)



**NORTH ELEVATION**  
SCALE: 1/8"=1'-0" (24X36)  
SCALE: 1/8"=1'-0" (12X18)



**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0" (24X36)  
SCALE: 1/8"=1'-0" (12X18)

PRELIMINARY  
NOT FOR  
CONSTRUCTION



DAVID B. KIRBY, ARCHITECT  
1000 West 10th Street, Suite 100  
Fort Worth, Texas 76102  
Phone: 817.335.1111  
Fax: 817.335.1112

THE ALTERATION OF:

**30 F STREET**

CHARLESTON, SOUTH CAROLINA

EXISTING PLANS AND ELEVATIONS

PROJECT NO.	30-01
DRAWN BY	DK
DATE	8/10/21
REVISIONS	
NO.	DESCRIPTION

A102



# Agenda Item #B-1

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8 BEE STREET

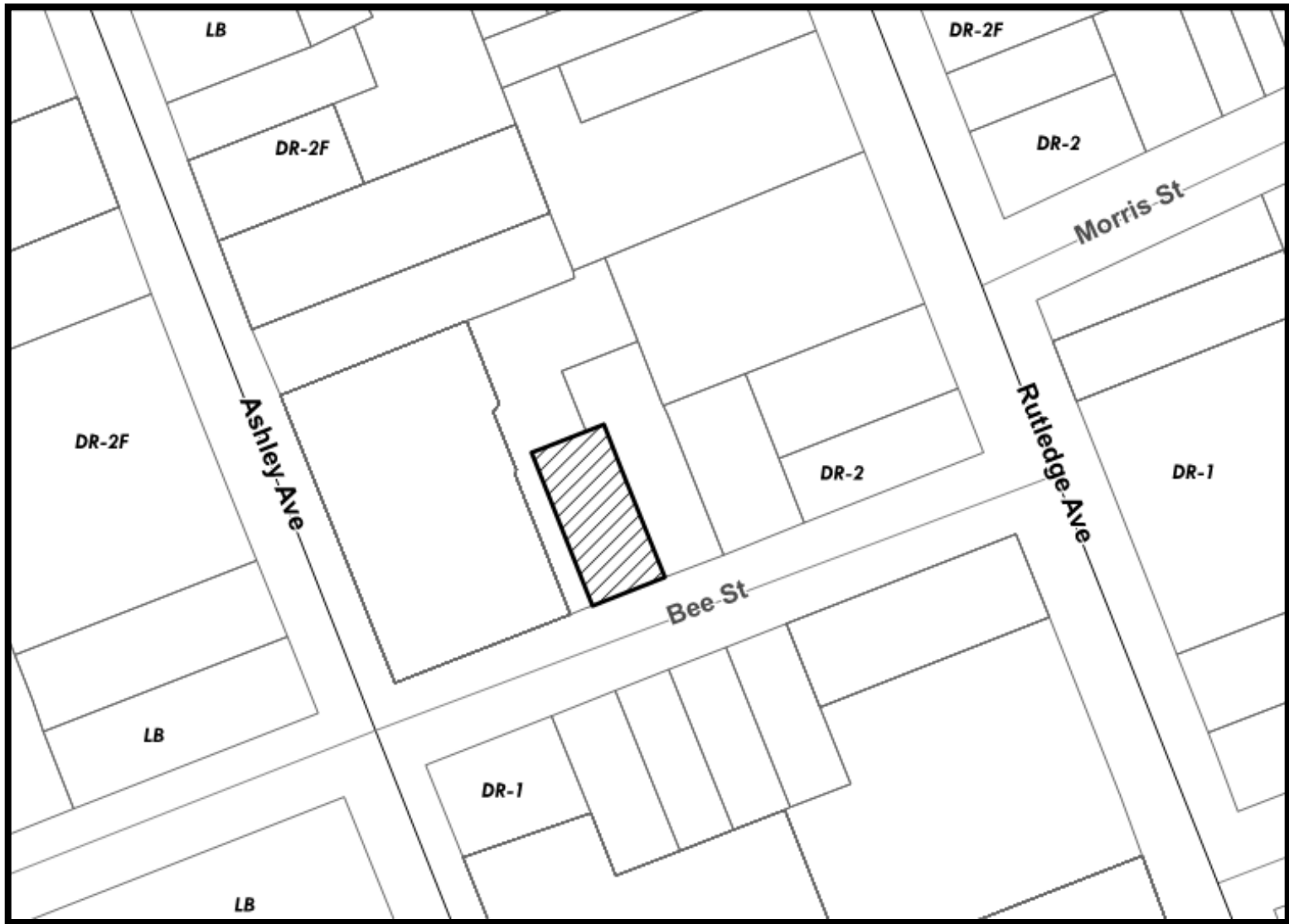
(CANNONBOROUGH/ELLIOTBOROUGH)

TMS# 460-15-02-092

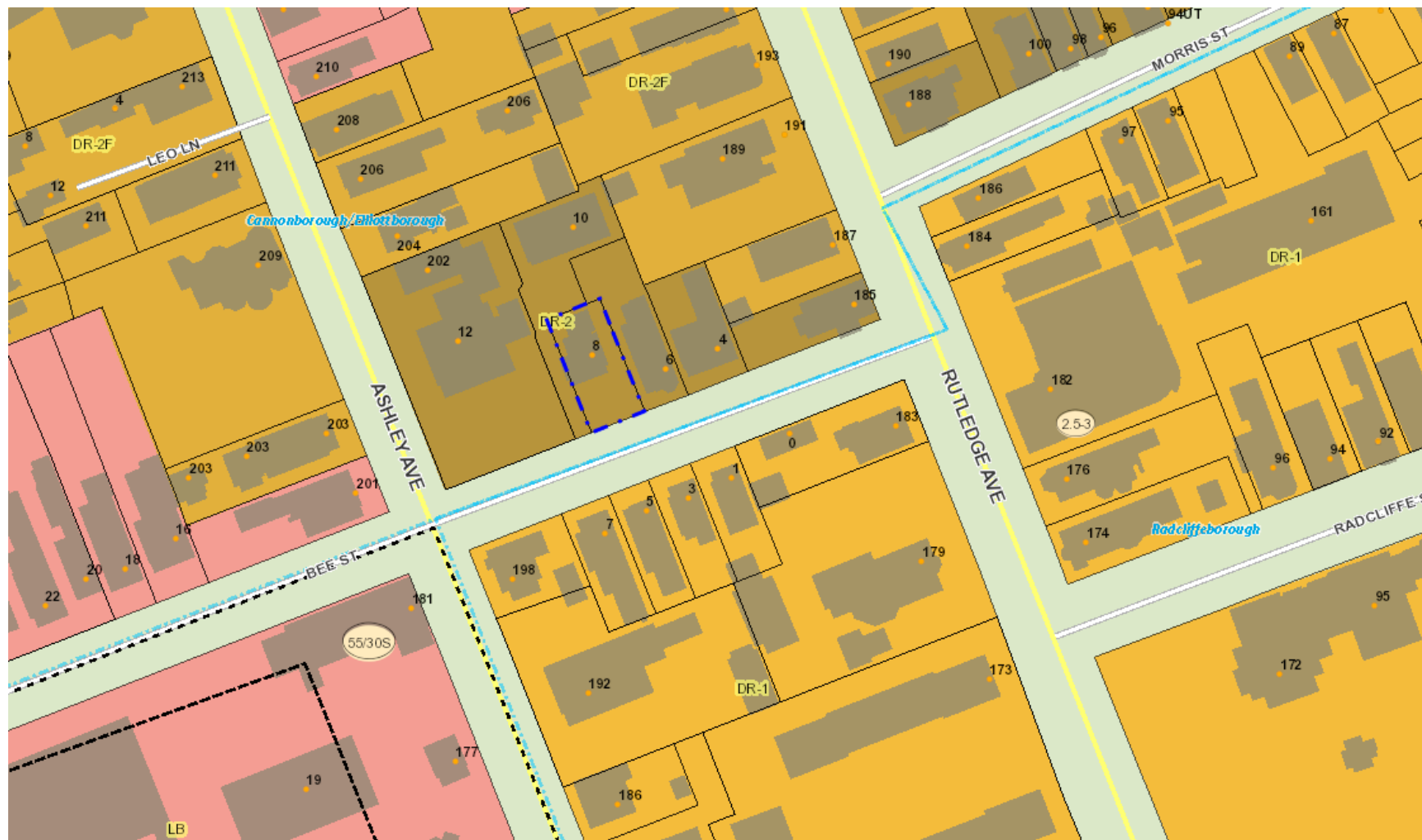
Request special exception under Sec. 54-110 to allow a storage shed that extends a non-conforming 0-ft. east side setback (3-ft. required).

Request variance from Sec. 54-301 to allow a storage shed with a 0-ft. rear setback (7-ft. required).

Zoned DR-2











City of Charleston

**Instructions** – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

**THE APPLICANT HEREBY REQUESTS:**

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.  
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).  
☐ Extension of an unexpired Variance and/or Special Exception approval.

**MEETING DATE REQUESTED:** \_\_\_\_\_

Property Address 8 Bee Street TMS # 4601502092

Property Owner Virginia & Edward White Daytime Phone 404-372-2387

Applicant Glen Gardner, Landscape Architect Daytime Phone 843-722-5885

Applicant's Mailing Address PO Box 295, Charleston SC 29402

\_\_\_\_\_ E-mail Address glen@gardnerla.com

Relationship of applicant to owner [same, representative, prospective buyer, other] design professional

Zoning of property DR2

**Information required with application: (check information submitted)**

- ☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)  
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans  
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)  
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☐ Letters or petitions from neighbors or organizations directly affected by your request

**I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.**

Applicant Glen R Gardner Date 08-31-21

**For office use only**

Date application received \_\_\_\_\_ Time application received \_\_\_\_\_  
Staffperson \_\_\_\_\_ Fee \$ \_\_\_\_\_ Receipt # \_\_\_\_\_

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Request a Rear property line setback variance for a setback varying between 0 and 6" (property line is angled)  
against the existing garden wall of 6 Bee.

The existing residence at 8 Bee is set further from the street than is typical and thus allows less rear yard space. This  
atypical pattern along with unusual lot layout where 6&10 Bee wrap behind 8 Bee led us to request a more efficient  
shed location to eliminate lost space between a new 49sf garden shed and the existing garden wall. This proposed  
configuration is reminiscent of the layout of a small privy outbuilding on the property.

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

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For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

Request a special exception for the Side property line to continue the Existing Non-conforming side setback of  
of the existing shed

**All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.**

# SITE PHOTOS



looking northward into the site from pedestrian entry



looking northward into the site from driveway entry

shed location



looking northeast on sidewalk at 8 Bee Street



satellite view of property



GEM & GARDNER, LANDSCAPE ARCHITECT  
 1000 1/2 Ave 215  
 1000 1/2 Ave 215  
 1000 1/2 Ave 215



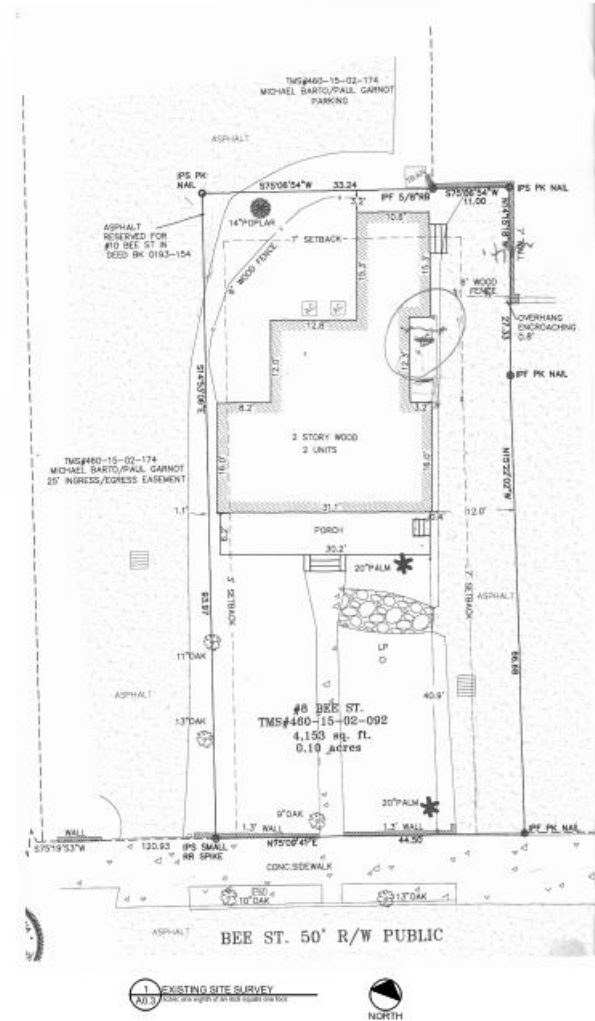
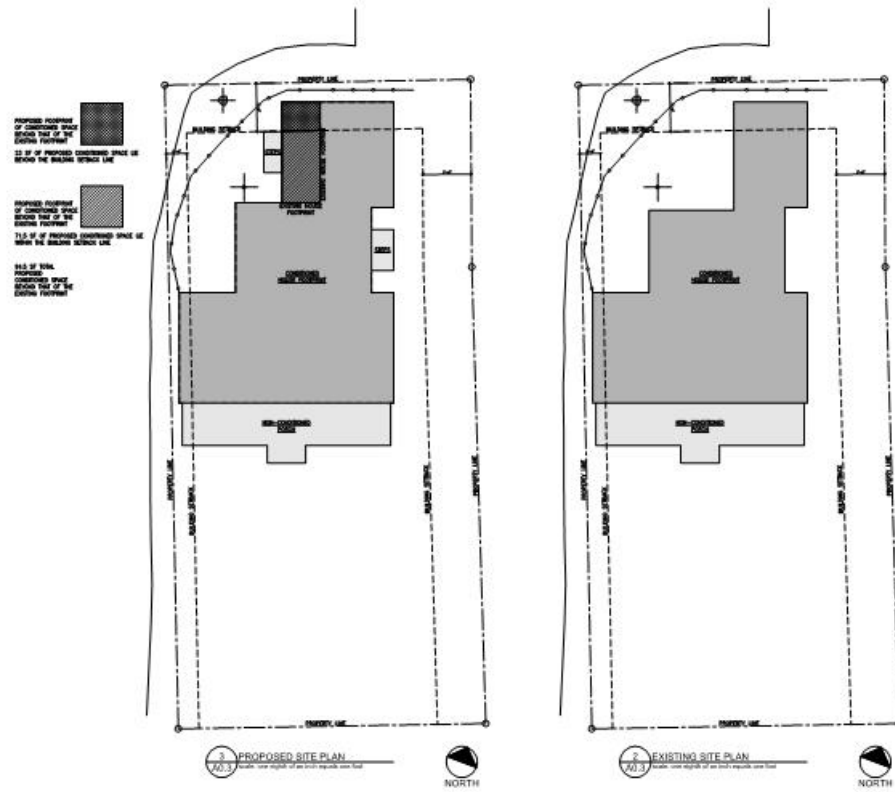
Don O'Neal  
 L.A.

White Residence  
 8 Bee Street  
 Charleston, South Carolina 29403

Site Photos

Sheet 10

Previous Architectural Submittal/ Survey  
for reference

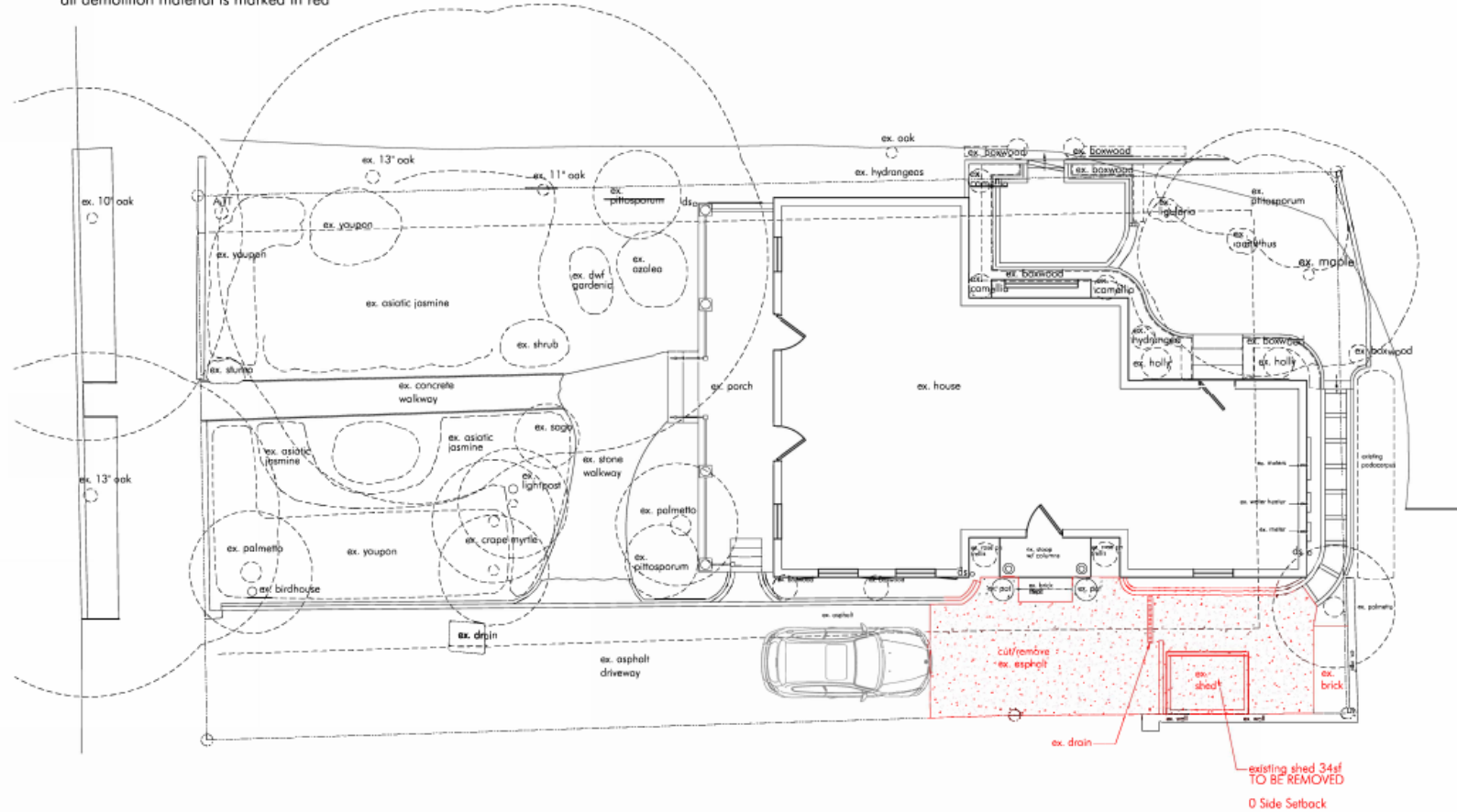
[illegible]



# DEMOLITION PLAN

prior to any demolition contractor must call 811 to mark utilities  
see layout plan to coordinate  
all demolition by masonry contractor  
all demolition material is marked in red

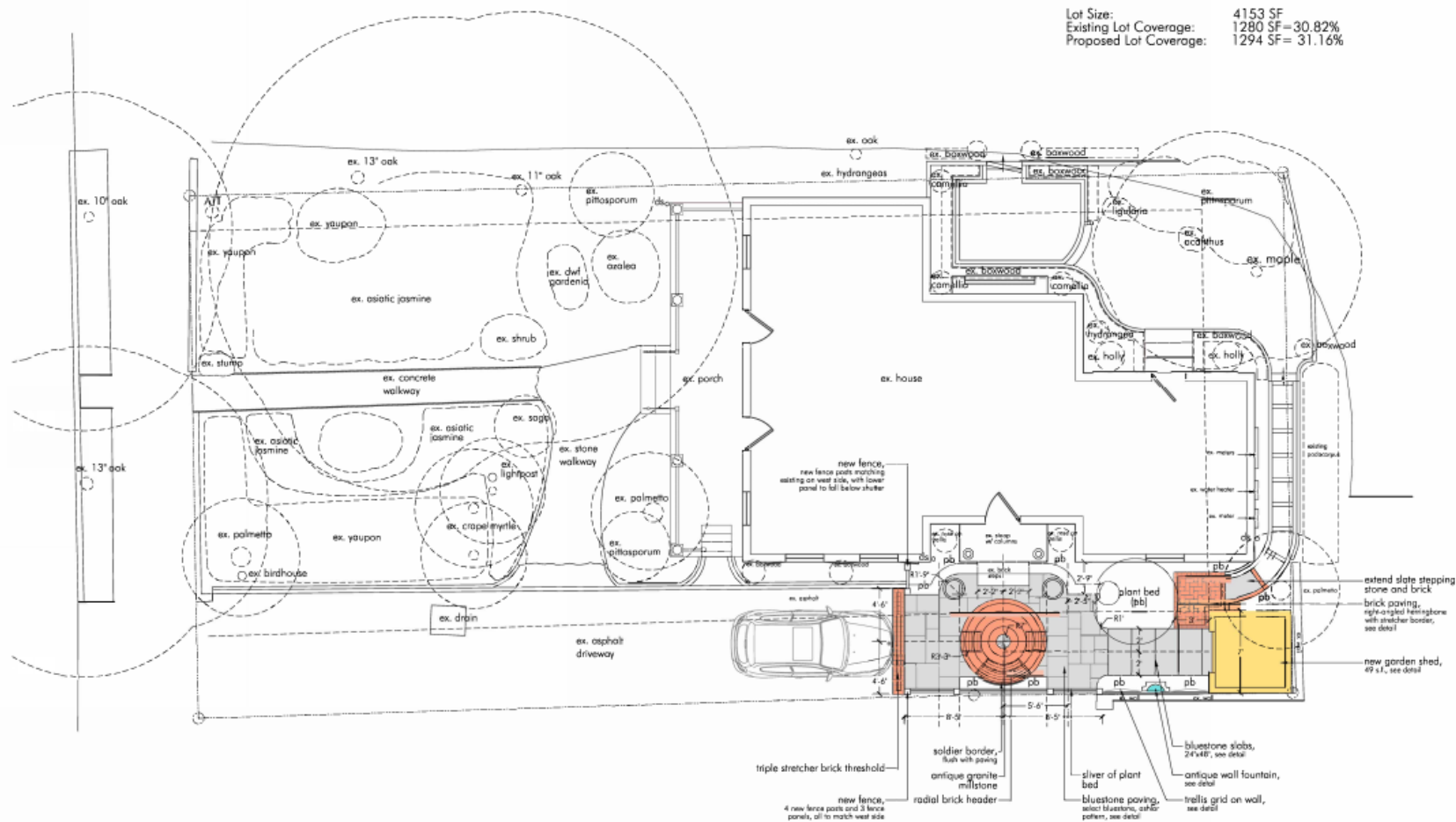
Design and details on this plan and the related reports of Glen & Gaudin Landscape Architects, LLC. All rights reserved. Design may not be reproduced or used without written consent.



--- represents 2" conduit to be installed by masonry contractor

see demo plan and detail sheet to coordinate

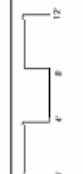
--- represents 2" conduit to be installed by masonry contractor



## Lot Coverage Chart

Lot Size: 4153 SF  
Existing Lot Coverage: 1280 SF=30.82%  
Proposed Lot Coverage: 1294 SF= 31.16%

**GLEN R. GARDNER, LANDSCAPE ARCHITECT**  
 post office box 296  
 charleston, sc 29402  
 • 843.772.5835

Date: (8-30-21) by  
Rev:

White Residence  
8 Bass Street  
Charleston, South Carolina 29403

Layout Plan

sheet 2



# DETAILS

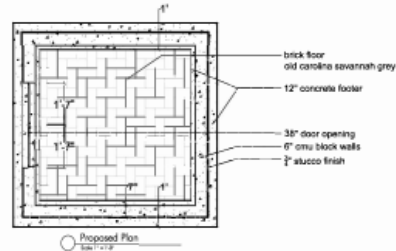
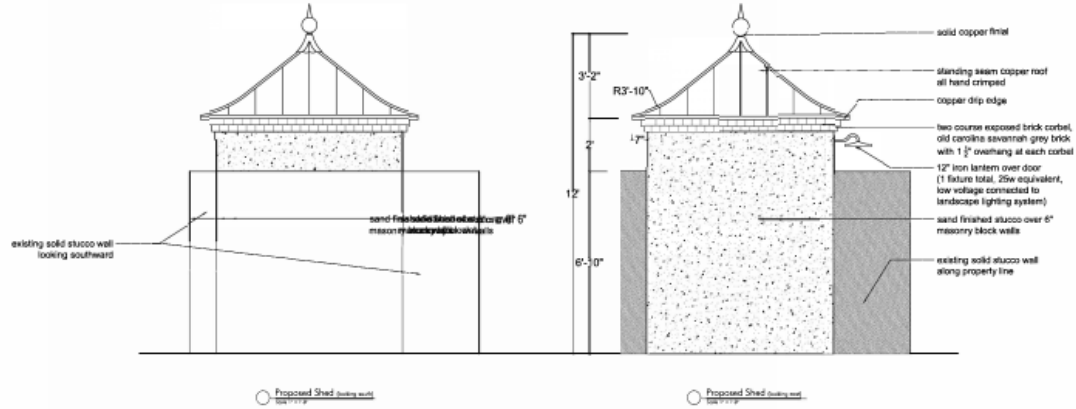
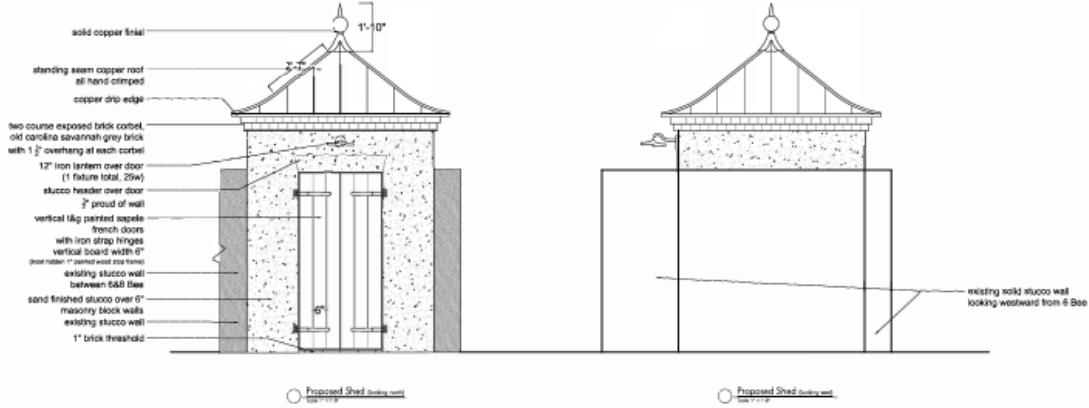
see layout plan to coordinate



conceptual shed design charrette with Clay Ulmer  
for reference only



12" sconce, finish black



CLAY K. GARDNER, LANDSCAPE ARCHITECT  
post office box 235  
charleston, sc 29402  
p 843.722.2865  
e gk@clayk.com



Drawn 07-16-21 klgs  
Rev.

White Residence  
8 Red Shire  
Charleston, South Carolina 29402

Details  
sheet 4

**Glen**

**Here's his email.**

**Woody**

**From:** Woody White <[woody@cbsd.org](mailto:woody@cbsd.org)>

**Sent:** Saturday, July 17, 2021 5:48 PM

**To:** Rick McKee <[rcmckee@mac.com](mailto:rcmckee@mac.com)>

**Subject:** Re: Our garden renovation

**Hi Rick,**

**Thanks. This is just what we need.**

**-Woody and Jenny**

---

**Sent from my iPhone**

---

**On Jul 17, 2021 at 17:41:12 EDT, Rick McKee <[rcmckee@mac.com](mailto:rcmckee@mac.com)> wrote:**

**Hello Woody and Jenny,**

**Tara and I support the new design of your side courtyard and garden shed. Thank you for sharing the pre-design with us!**

**Feel free to reach out if you need anything else for your permit approval.**

**All the best,**

**Rick and Tara**

Rick McKee

[LivingLowCountry.com](http://LivingLowCountry.com)

843.720.4264

## Agenda Item #B-2

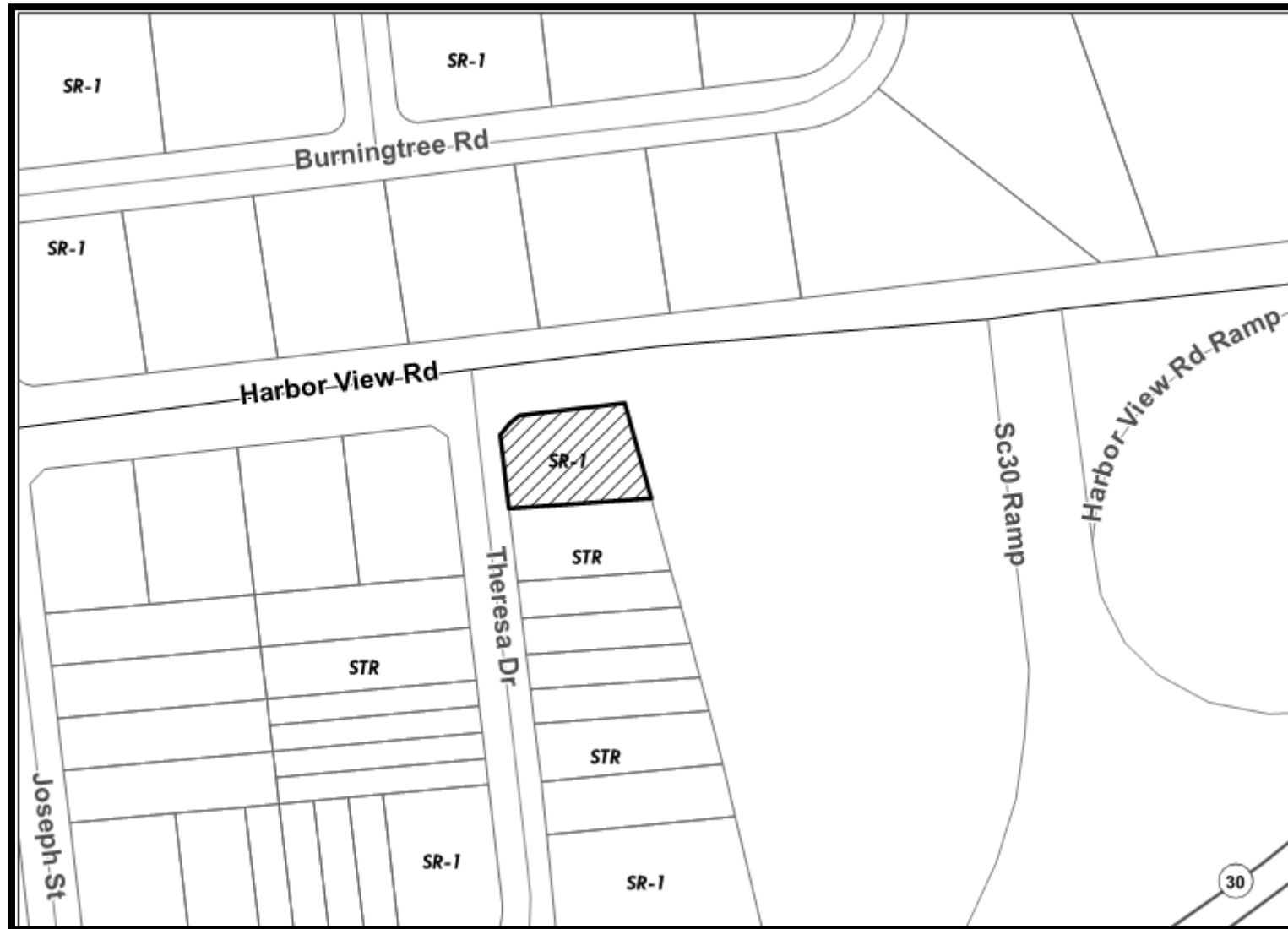
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1477 THERESA DRIVE

(BEL AIR)

TMS # 424-10-00-040

Request use variance from Sec. 54-203 to allow an office use with days of operation Monday-Sunday and hours of operation 7am-7pm in a SR-1 (Single-Family Residential) zone district.













City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.  
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).  
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: OCTOBER 5<sup>th</sup>, 2021

Property Address 1477 THERESA DR. CHAS. SC 29412 TMS # 424-10-00-040

Property Owner JOHN J. GILBERT Daytime Phone 843-813-2784

Applicant JOHN J. GILBERT Daytime Phone 843-813-2784

Applicant's Mailing Address P.O. Box 12675, CHAS, SC 29422

E-mail Address gmcoach@msn.com

Relationship of applicant to owner [same, representative, prospective buyer, other] SAME

Zoning of property SR-1 Residential

Information required with application: [check information submitted]

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)  
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans  
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)  
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)  
☐ Check, credit card or cash (make checks payable to the City of Charleston)  
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1 \* 45 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs  
☒ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant John J. Gilbert Date 9/1/2021

For office use only  
Date application received \_\_\_\_\_ Fee \$ \_\_\_\_\_ Time application received \_\_\_\_\_  
Staffperson \_\_\_\_\_ Receipt # \_\_\_\_\_

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

*\* Requesting a "USE VARIANCE" to use property as a low impact professional office*

*— See Attachments —*

*• Photos of Property + Road*

*• Parking options*

*• Variance + Hardship Exception Test*

*• Letters of support from neighbors*

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
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For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

*— See Attached —*

*• Variance + Hardship Test Information*

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Variance & Hardship Test  
Summary

1477 Theresa Drive  
Charleston, SC 29412  
Owner:  
John J. Gilbert  
TMS# 424-10-00-040

1) Widening of Harbor View Road: In the late 80's after we had been in our home for about 5 years the widening of Harbor View Road significantly reduced the amount of Theresa Drive frontage and the way the house sits on the property it appears that it should have a Harbor View Road address.... Along with the 4 lane road with center turn lane, the traffic is very different from the time we purchased our home and with that comes the noise.

2) Two Story Home: Especially with no full bathroom or any bedrooms downstairs it makes this home difficult for an older person to adapt long term. The stairs alone as I approach 68 years old and my wife 65, is already a challenge.

3) May 2019 - Residential Listing: Initially listed with Matt O'Neill Co.. During a 57 days listing we had 26 showings including a Open House, all of which loved the home but 2 didn't like not having master bed and bath downstairs. 24 didn't like being on Harbor View Road. We saw the trend and I requested to pull the listing the end of June.

4) My Research & Discovery: I was pretty sure I was looking at doing something different with this property. I knew it had potential as an office, I knew that when I bought the house in 1985, but how do I get there? First, do the homework: After several weeks of study of all the properties from Folly Road to the connector, I started to see a pattern. What I discovered that my home was the only Single Family Residential Home in the City of Charleston from Folly to the Connector. All other dwellings in the City where either a school, gas station or another former residence that had been rezoned to be an office. Just so happened at the same time a small block house on the corner of Martello and Harbor View was listed as a approved rezoned property. I was shocked at the asking price, because this is a very small, never renovated home from the late 50's, but it did have a slightly larger yard for parking availability. Not nearly as



nice as my home and not any better frontage to Harbor View Road. Having said this, I continued and found 3 homes and a few duplexes on the same side as my home, but they are not located in the City, but rather the Town of James Island. My answer was becoming clear! It was time to execute a different plan....

**5) Neighborhood Acceptance:** My home is in a subdivision called Bel Air. Not many people know that, I didn't until I saw it on the deed. Far cry from Bel Air, California... Truth is, there is no neighborhood presence that I've ever noticed and there is no one in this area that has been here close to my 36 years. Theresa Drive is a horse shoe, on my strip of that, there are 2 single family homes, mine and the last one down on the left, which I think is a rental now. If I'm not mistaken there are 55 dwellings, maybe a few more now to include Joseph Street, of which only 11 are single family homes, the other 44 are duplex and a few triplexes. This is not a neighborhood, never has been, it's just a piece of land with rental properties attached and I watched most of them being built. I can't for the life of me imagine someone caring if I lived in this house (none of them know me), or if it was a Law Office or a Jack in the Box for that matter. Those that actually own the properties may be interested, but, the few of them that I have met have expressed good luck to me in my efforts and have agreed to put that in writing if needed to include the duplex next door and directly across the street that is in James Island.

**6) Sept 2019 - Enter The Cassina Group:** *Execution Plan > 2 Stones / 1 Bird...*  
I needed to keep the house on the residential market, but also wanted to market the property as a viable office option for the right person. I was somewhat familiar the "Use Variance" option and learned a lot from a friend that did the drawings for me on the parking space issues on the property. The Cassina Group provided me that flexibility and also Heath Verner & Chip Eiserhardt had experience in both arenas which allowed me the best case scenario. Our plan was to market the house as such...a turn key home or simple conversion to executive office with minimal effort. The house on its own merit did most of that conversion work for us, the downstairs sits up very nicely for an office with next to nothing being done and the upstairs providing room for 3 private offices, plus a finish room over the garage as additional office space or storage. We priced the home accordingly and moved forward.

**7) The Latest Numbers:** After 24 months and a pandemic we had some interest for sure, not as much as you would like, but we knew this house was gonna be a hard one to sell. Still available for a residential concern that didn't care about a road and wanted to be close in or that specific individual or small group that wanted to purchase a new office home with nice exposure and a convenient location. We have had 50 Total Showing requests, 10 cancellations after realizing the house address cornered with Harbor View Road and 40 visited the home. Of the remaining 40 that viewed the house, all of them gave the home high marks, only 3 did not like the layout for them or preferred master bed and bath downstairs. The remaining 37 just couldn't deal with living on the road. Most of these were obvious residential interested parties. We had 3 seriously interested parties for using the property as an office. A small law practice renting space downtown that really liked the space, but at the last minute before they decided their landlord promised to renovate their space for them if they stayed. The second actually made a nice offer, which we would have accepted, but her lawyer convinced her that our side had no clue what we were talking about by using a "Use Variance" on the property to make it an office. From that it appeared there was possibly a bigger problem than we thought, which also leads us to today. When the market started getting hot after the virus was letting up and people moving here from all parts of the U.S., we started seeing the most activity ever and got an offer for the home residentially that we accepted and went into contract. We spent a month satisfying all inspection concerns and where checked off on that and ready for closing. We moved out 2 days before and on closing day, the deal fell apart because of "financing concerns". So we were back to square one with a perfectly repaired and empty home back on the market. The really sad part of that is we missed the next 6-7 weeks of really hot sellers market while under contract....which also leads us to today.

**Final Results:** Being on market for 26 of the past 28 months is the following:

66 Showings (Lot of traffic by Zillow, but we assume road kept many away)  
61 Likes (buyers that actually saw and liked the property, but not the road)  
5 Layout (5 buyers that the layout with no master downstairs not for them)  
3 Close Calls (3 Commercial deals that couldn't get around the bases)  
1 Contract (1 Full Contract taken to closing day, then well apart)  
10 Cancelled Showing Requests because of the road...  
71 "Hit the Road" (Those that Harbor View Road\* ran off that we know off including the Cancellations.)

\*Note: We are sure with the amount of traffic that looked and saved this home on Zillow and other sites, that many of them did not choose a showing because of the road being obvious in the photo section. This was done by design, full disclosure, nobody was hiding the fact the house was on a busy road. We were good with that!

#### ANY QUESTIONS?

Please contact John J. Gilbert, Homeowner  
Mobile 843-813-2784 / Email: gmcoach@msn.com  
or  
Heath Verner & Chip Eiserhardt  
The Cassina Group

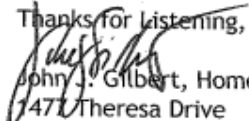
**My Personal Assistance:** What can I do to help my guys have a more sellable product for prospective buyers with other agents etc...to better understand how the "Use Variance" works. I'm an old school guy, when this idea was first mentioned to me, it wasn't the first time I'd heard of it. I remember many homes years ago on roads that have become major highways today that are now offices. I checked into this in 1986 shortly after buying this home, thinking this place may very well be one of those options in the near future. Many homes on Savannah Highway, St. Andrews Blvd, Folly Road and others have utilized a Variance to recharge many of those small little homes that nobody wanted anymore to striving offices still to this day. My parents were friends with many of those folks that either sold or converted their older home to an office for their own business.

That's when it struck me personally. I have been in business for myself my entire life, the insurance and investment business and currently for the last 22 years a sole proprietorship painting contracting company. Why not formally establish 1477 Theresa Drive as my office, living there or not. I have to have an office where I do my paperwork, calculate and produce Estimates and Invoices and accounts payable etc.. I do not have employees, I use a few subs when needed that have worked for me over the years. I do need a place to store supplies etc...and ladders, in addition to having a place to meet with a sub or client on color details and other issues, the occasional architect about drawings etc...or just to have a spot to coordinate my white collar part of the job with my blue collar part of the job. Why don't I set the precedence of how a "Use

Variance" can work. I understand the limitations, the restrictions and pretty much what would or would not work on this property. My business would have practically 0 impact on the neighborhood or the property that it hasn't done for many years. I don't need any additional parking, there is enough room for 5 or 6 vehicles now, but, that would never be necessary for me, but perhaps a prospective buyer. My point is, If I can help my real estate team to look across the table at another sales agent with doubt and his buyer and tell them if a "Use Variance" isn't possible, then why is the seller holding his in his hands. This is my city, I've been here since birth, I should take advantage of options that are made available to me from the city I have supported my whole life, within reason of course. The City and the SCDOT also share in some of the progress that has caused this situation as well and made this home difficult to sell as a residence.

This makes sense to me, if my business can pass the test, so can many others and we would be dedicated to finding the right fit!

Thanks for listening,

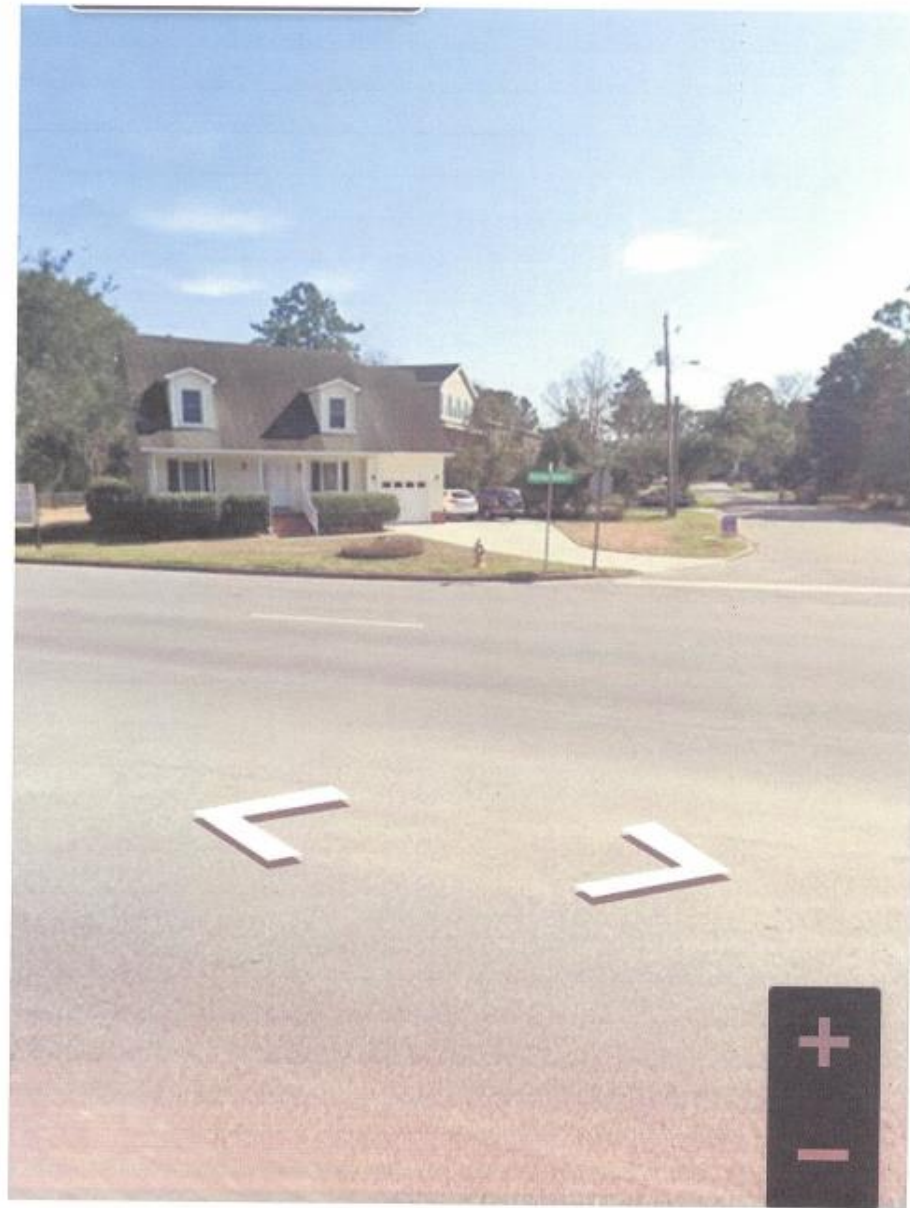
  
John J. Gilbert, Homeowner  
1471 Theresa Drive  
Charleston, SC 29412  
843-813-2784 / gmcoach@msn.com



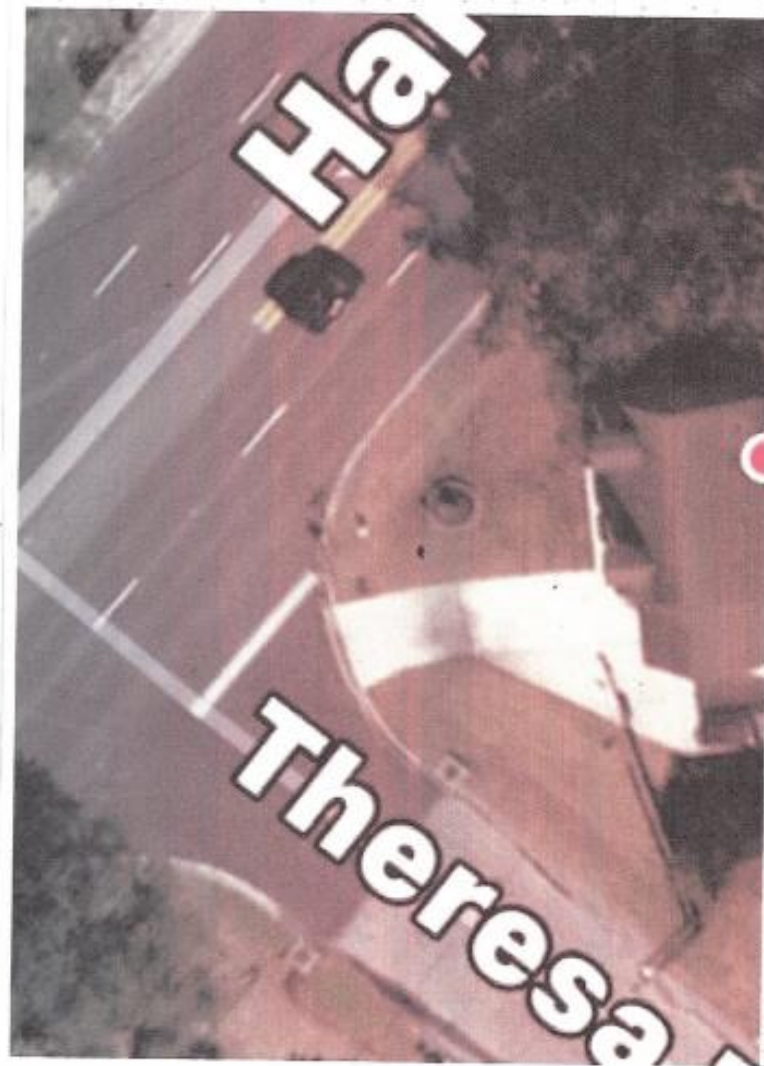
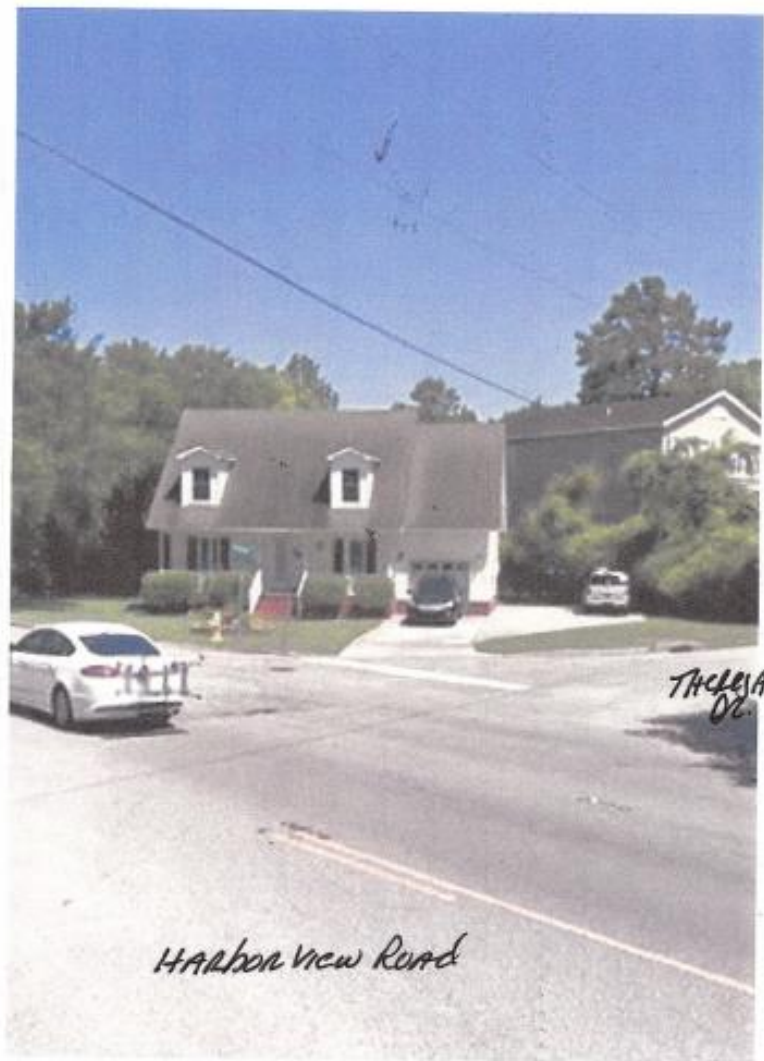
1477 Theresa Drive @ Harbor View Road  
Charleston, South Carolina 29412  
BelAir Subdivision - James Island

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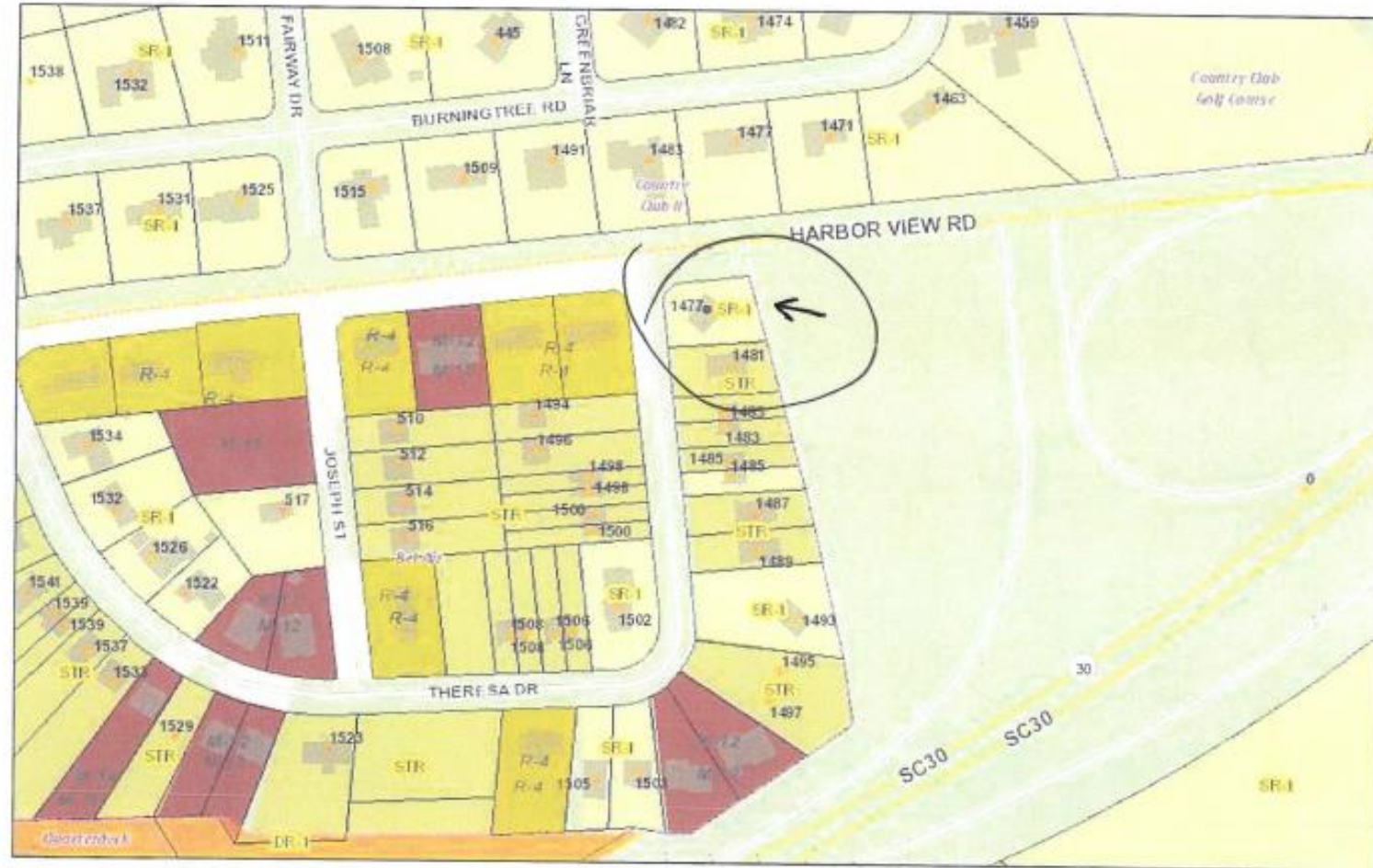


John J Gilbert, Pres.  
Residential Renewal  
Send by iPhone





# 1477 Theresa Dr.



July 12, 2021

pointLayer

• Override 1

1:1 Old City Height Districts

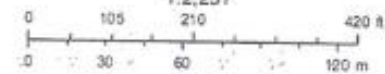


Neighborhood Councils

Subdivisions

Addresses

1:2,257









January 14, 2020

John and Sharon Gilbert

1477 Theresa Drive

Charleston, SC 29412

John and Sharon,

As a property owner three doors down from you I have no reason to protest your endeavor to sell your property as commercial. It is my understanding that you have been trying to sell your home for some time now as residential with no offers. It is also my understanding that those buyers looking to buy a residential home are not interested in the busy multilane road that Harborview has become since your purchase. My hope for you is that you will be able to sell.

Best Regards,

A handwritten signature in blue ink that reads "Heather Harwell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Heather Harwell

1500-A Theresa Drive

Charleston, SC 29412

Heather.harwell@comcast.net

## Agenda Item #B-3

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32 STOCKER DRIVE

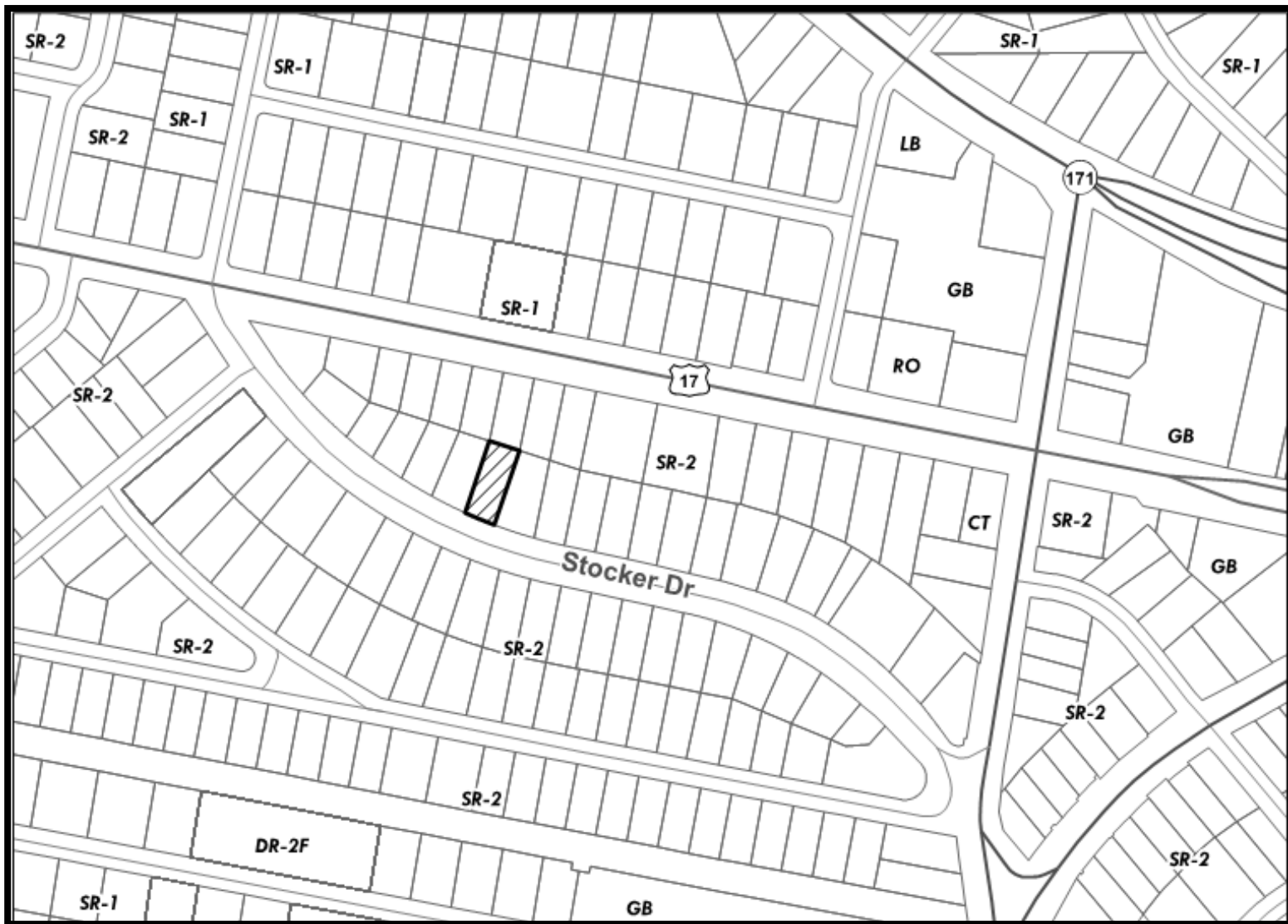
(OLD WINDERMERE)

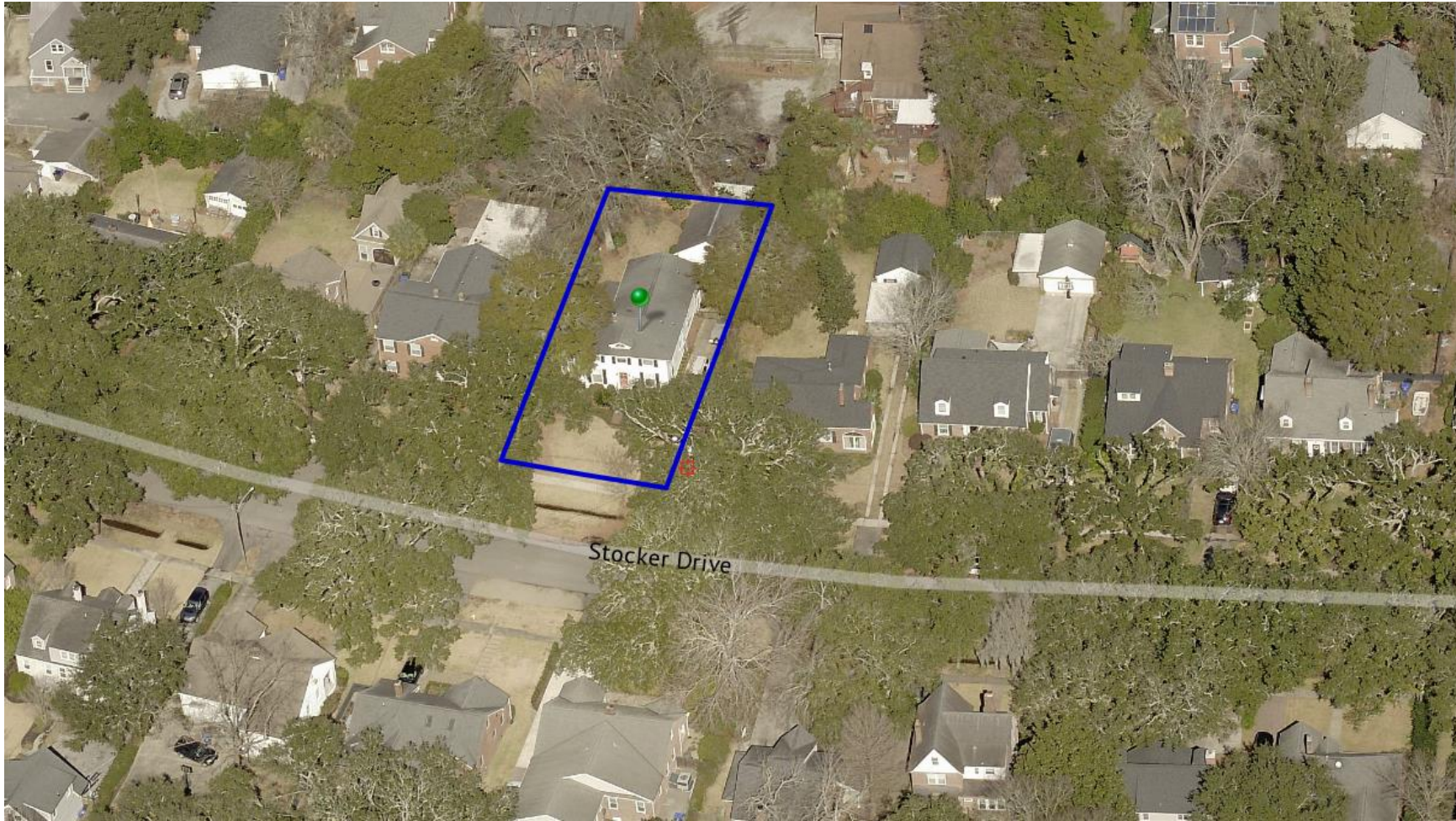
TMS # 421-06-00-123

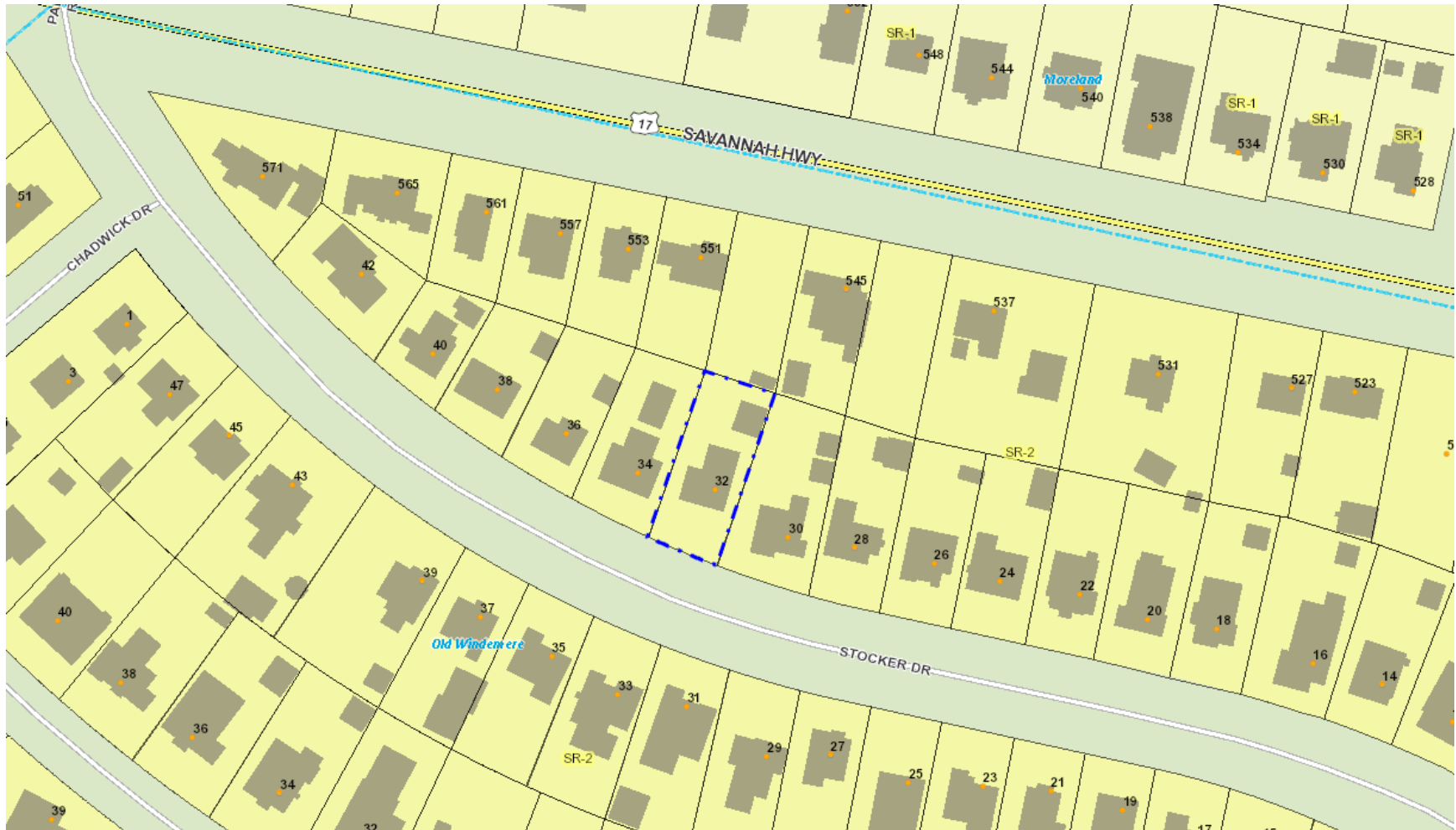
Request variance from Sec. 54-301 to convert an accessory building into an addition to the main house and add to the converted accessory building a vertical extension (bedroom/bath/livingroom) that does not meet the required 25-ft. rear and 9-ft. east side setback.

Zoned SR-2













City of Charleston

**Instructions** – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

**THE APPLICANT HEREBY REQUESTS:**

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
- ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- ☐ Extension of an unexpired Variance and/or Special Exception approval.

**MEETING DATE REQUESTED:** October 5, 2021

Property Address 32 Stocker Drive Charleston, SC 29407 TMS # 4210600123

Property Owner John Mulvey Daytime Phone 843-224-7009

Applicant Jodi Crosby Daytime Phone 843-998-0505

Applicant's Mailing Address 4770 Hwy 165 Meggett, SC 29449

E-mail Address info@crosby-creations.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Representative

Zoning of property SR - 2

**Information required with application: (check information submitted)**

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- ☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- ☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☐ Check, credit card or cash (make checks payable to the City of Charleston) \*\*\* Will be paid once request is received.
- ☐ **YES or** ☒ **NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☒ Photographs
  - ☐ Letters or petitions from neighbors or organizations directly affected by your request
- \*\*\* Support letters to be provided prior to meeting.

**I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.**

Applicant Jodi Crosby Date 8/30/21

For office use only

Date application received

Time application received

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See Attached

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
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**All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.**



Variance Test Questions for 32 Stocker Drive

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - There is not an adequate space in the current home to serve as a private office required by the homeowner's occupation. Granting this variance would allow the homeowner's to stay in the home they have lived in for over 20 years rather than facing the burden of the current housing market.
2. These conditions do not generally apply to the other property in the vicinity;
  - The condition in which the variance is required applies to this particular property owner's occupation.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - This variance will allow the homeowner to have a separate, closed door office space in order to comply with the requirements of her profession. Her profession in the medical field requires complete confidentiality through the HIPAA federal law.
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting the variance.
  - This variance will not affect the adjacent properties and has support of surrounding property owners.





Since 1991



# A.H. SCHWACKE & ASSOCIATES

## LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

### REFERENCE:

PLAT BY: RICHARD C. RHETT  
DATED: JUNE 1927  
BOOK: E PAGE: 069  
RMC CHAS. CO.

TAX MAP No. 421-06-00-123  
No. 32 STOCKER DRIVE

Requested by: JOHN MULVEY

**LOT AREA**  
**8820.0 Sq. Feet**  
**0.20 Acres**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	985.44'	70.54'	70.52'	S 64°14'56" E	4°06'04"
C2	985.44'	61.02'	61.01'	N 68°04'23" W	3°32'51"
C3	985.44'	79.70'	79.68'	N 72°09'51" W	4°38'03"

### NOTES:

BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.

AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE CITY OF CHARLESTON ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE SHADED X AS PER FEMA FLOOD MAPS.

PANEL No. 45019C 0513K

DATED: JANUARY 29, 2021

COMMUNITY No. 455412

\* SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.

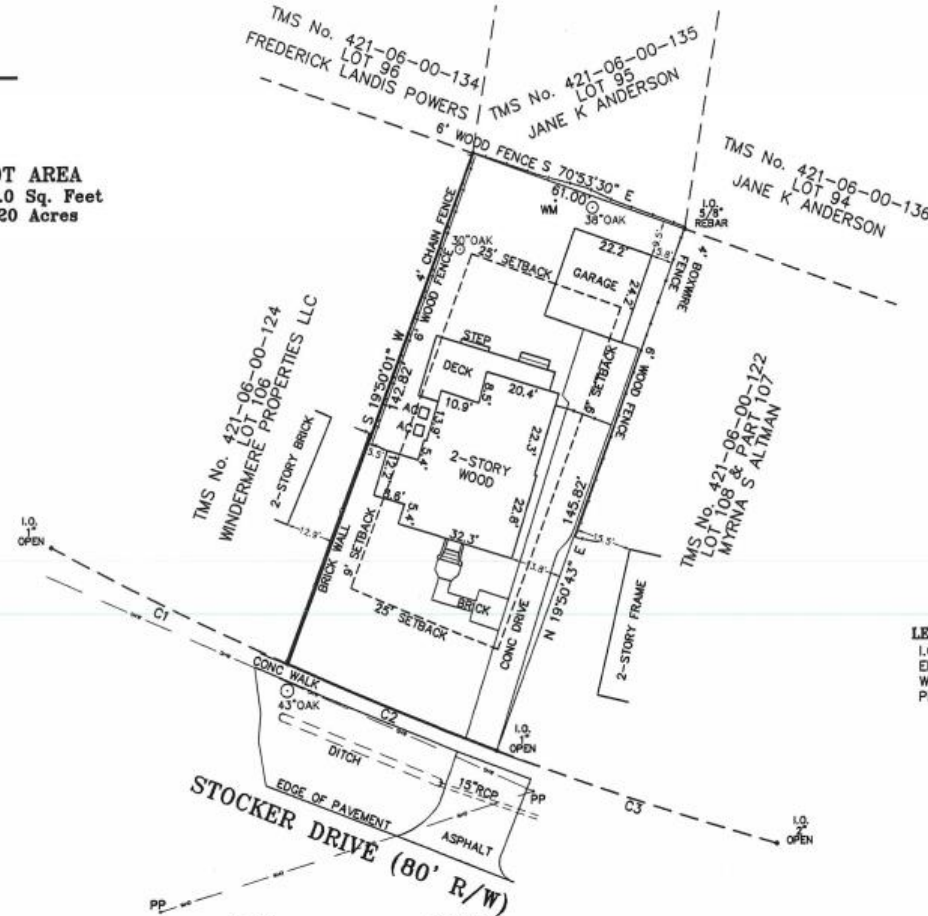
\* THE BOUNDARY HAS BEEN CREATED BASED ON EVIDENCE IN THE FIELD & REFERENCES PROVIDED.

### SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.

KEVIN M. SCHWACKE, SR. PLS  
S.C. Registration Number 20468

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. BMG21/ 21171



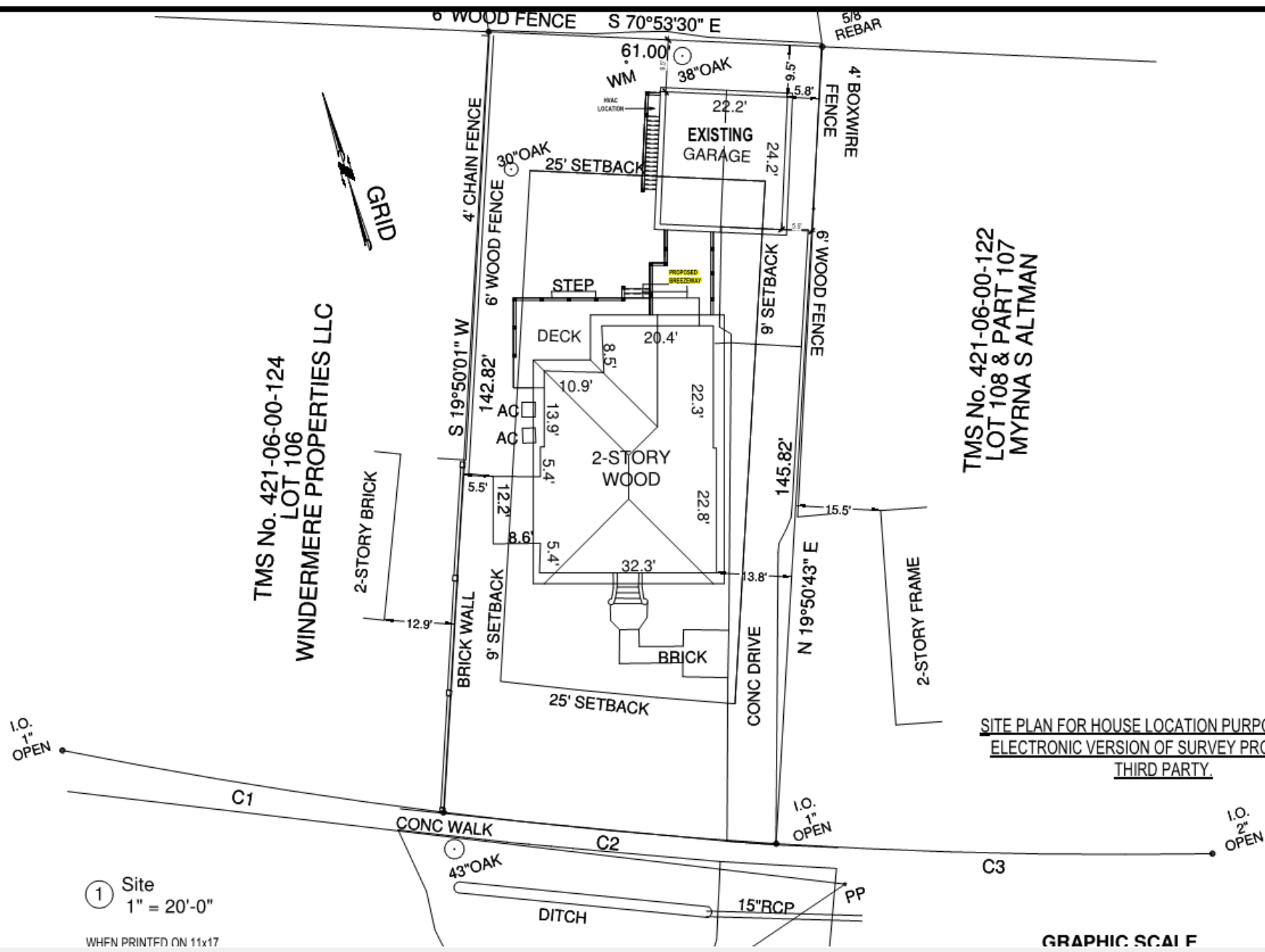
**LEGEND:**  
I.O. IRON OLD (FOUND)  
EBOX ELECTRIC BOX  
WM WATER METER  
PP POWER POLE



**AS-BUILT SURVEY**  
**PART LOT 107 OF BLOCK B**  
**WINDERMERE SUBDIVISION**  
**CITY OF CHARLESTON**  
**CHARLESTON COUNTY, SOUTH CAROLINA**



DATE: MAY 13, 2021 SCALE: 1" = 30'



TMS No. 421-06-00-124  
LOT 106  
WINDERMERE PROPERTIES LLC

TMS No. 421-06-00-122  
LOT 108 & PART 107  
MYRNA S ALTMAN

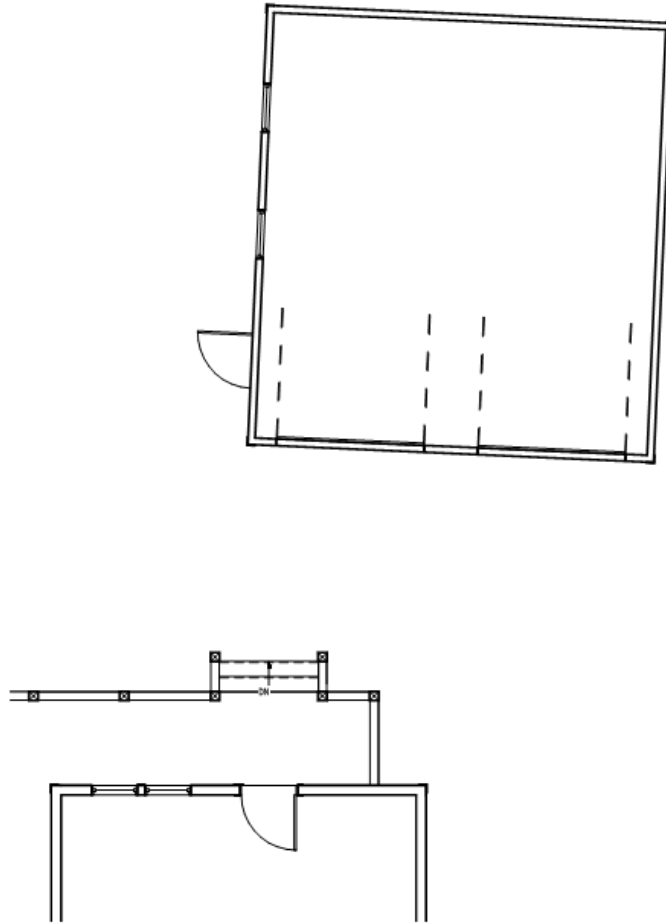
SITE PLAN FOR HOUSE LOCATION PURPOSES ONLY  
ELECTRONIC VERSION OF SURVEY PROVIDED BY  
THIRD PARTY.

① Site  
1" = 20'-0"

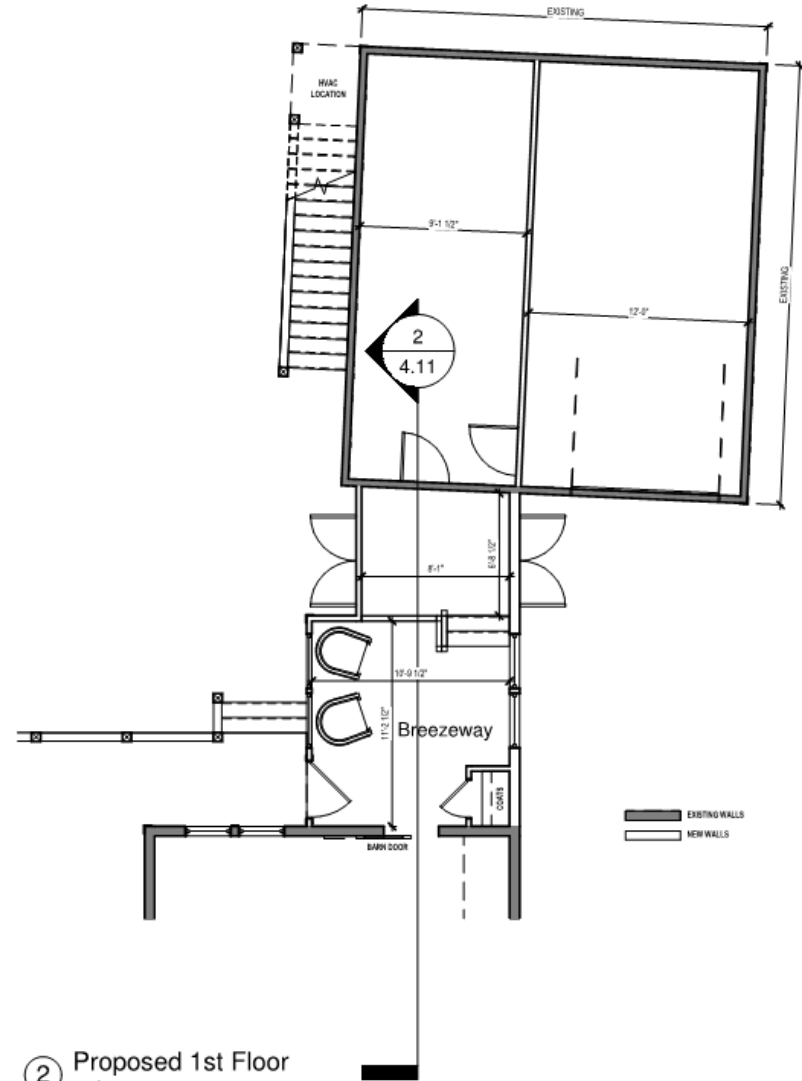
WHEN PRINTED ON 11x17

GRAPHIC SCALE

NOT FOR CONSTRUCTION



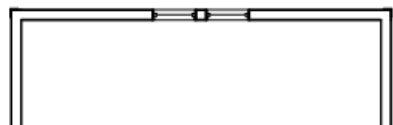
① Existing 1st Floor  
1/8" = 1'-0"



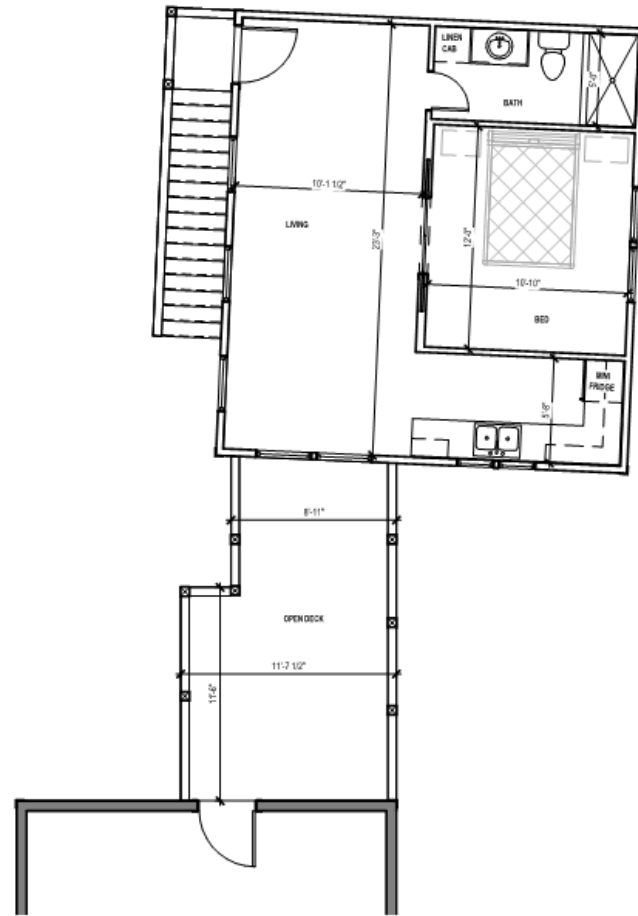
② Proposed 1st Floor  
1/8" = 1'-0"

NOT FOR CONSTRUCTION





① Existing 2nd Floor  
1/8" = 1'-0"



② Proposed 2nd Floor  
1/8" = 1'-0"

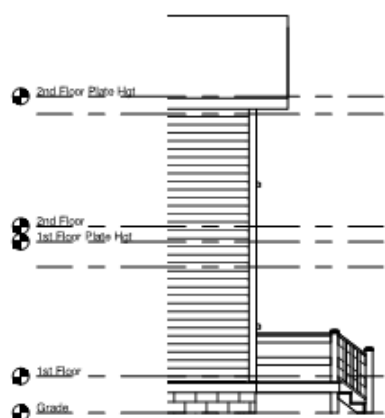
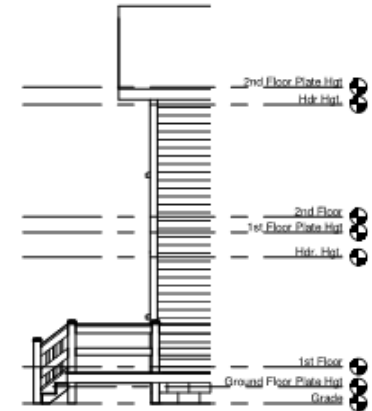
NOT FOR CONSTRUCTION



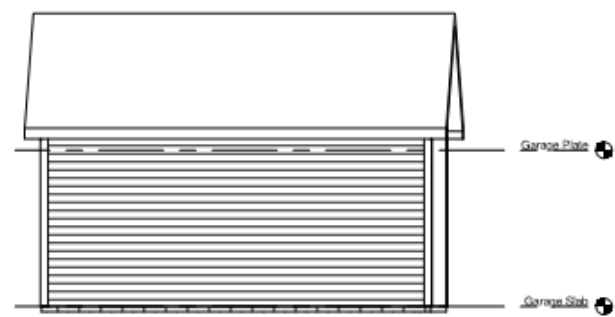
① Existing Rear Elevation  
1/8" = 1'-0"



② Existing Left Elevation  
1/8" = 1'-0"



③ Existing Right Elevation  
1/8" = 1'-0"



④ Existing Garage Front  
1/8" = 1'-0"



NOT FOR CONSTRUCTION



① Proposed Rear Elevation  
1/8" = 1'-0"



③ Proposed Garage Front  
1/8" = 1'-0"



② Section 1  
1/8" = 1'-0"

NOT FOR CONSTRUCTION



① Proposed Left Elevation  
1/8" = 1'-0"



② Proposed Right Elevation  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

# Agenda Item #B-4

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176 LINE STREET

(WESTSIDE)

TMS # 460-07-04-137

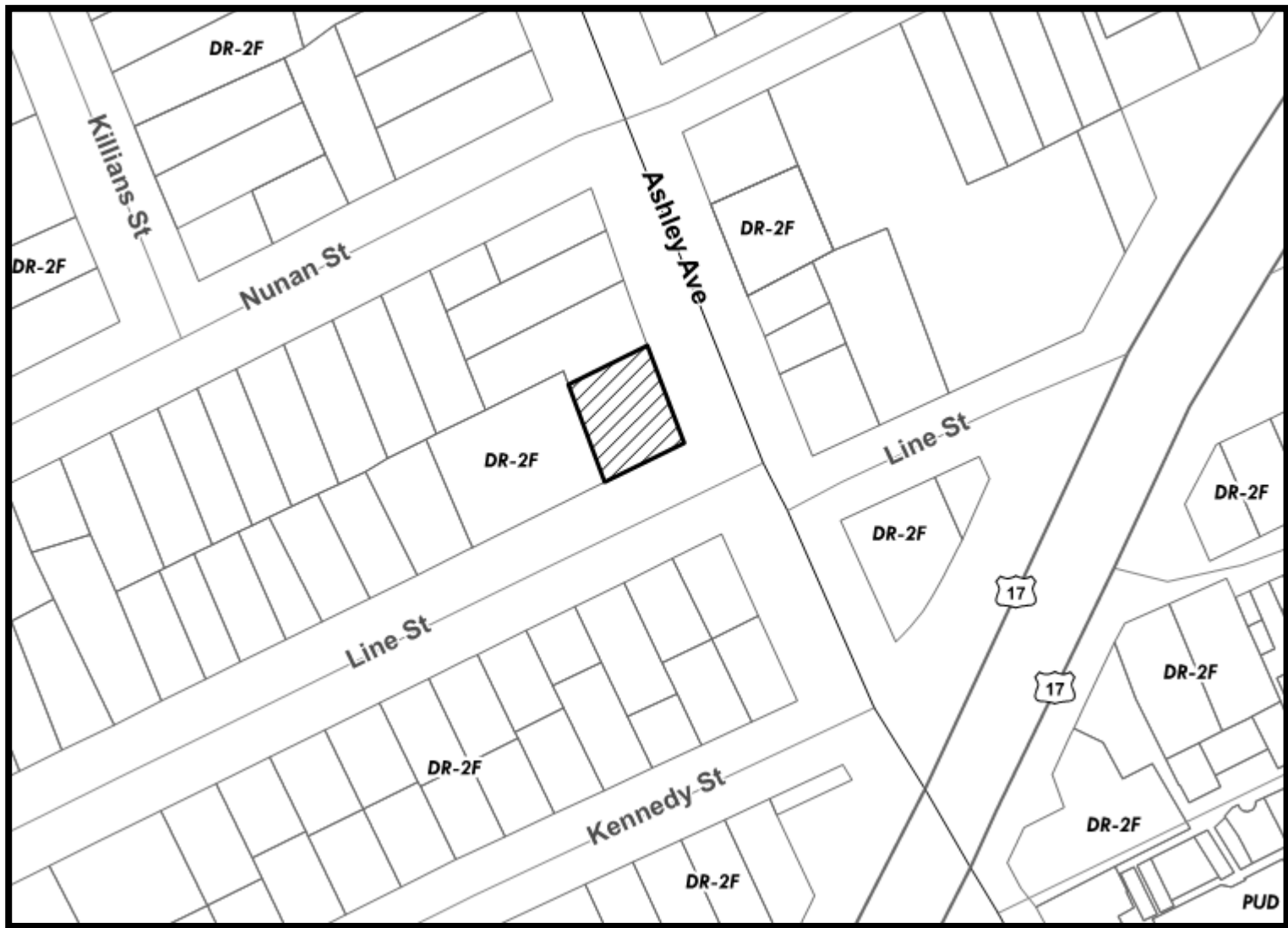
Request use variance from Sec. 54-203 to allow a restaurant use with days of operation Monday-Sunday, hours of operation 8am-9pm and with on-premises consumption of beer and wine only in a DR-2F (Diverse-Residential) zone district.

Previous restaurant use was approved on May 4, 2004 with limitations on days of operation (Monday-Saturday), hours of operation (10am-7pm) and no on-premises consumption of alcohol.

Request variance from Sec. 54-317 to allow 455sf of inside patron use area and 143sf of outside patron use area without providing off-street parking spaces (7 spaces required).

Zoned DR-2F













City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☐ A Variance and/or Special Exception as indicated on page 2 of this application.  
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).  
☒ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: Sept. 3 deadline / Oct 5 meeting

Property Address 176 Line Street TMS # 460-07-04-137

Property Owner Bennie Gardner, III Daytime Phone 843-793-7287

Applicant Jeff Gleim Daytime Phone 843-442-2082

Applicant's Mailing Address 54 Parkwood Avenue  
Charleston SC 29403 E-mail Address jeff.littleline@gmail.com  
andygleim@mac.com

Relationship of applicant to owner (same, representative, prospective buyer, other) tenant/leasee

Zoning of property DR-2F

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)  
n/a ☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans  
n/a ☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)  
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)  
☐ Check, credit card or cash (make checks payable to the City of Charleston) City to bill w/ upon receipt of document  
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Photographs  
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant Jeff Gleim Date 8/31/2021

For office use only		
Date application received	Fee \$	Time application received
Staffperson		Receipt #

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

*Please see attached explanation.*

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

*Please see attached explanation.*

**All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.**



Jeff and Wendy Gleim  
Little Line Kitchen and Provisions  
176 Line Street  
Charleston, SC 29403

September 3, 2021

City of Charleston  
Department of Planning, Preservation & Sustainability  
2 George Street, 3rd Floor  
Charleston, SC 29401

RE: Permit Number #BLCO2021-02882

Dear Board of Zoning Appeals:

We have received a letter from the Zoning Plan Review outlining the reasons for rejecting our business license application. They provided us with the criteria to get approval for a restaurant at 176 Line Street.

A variance was approved in 2004 when another business sought to open there. The owner of that business submitted a letter on March 22, 2004, in which she listed the days and hours of operation and specified that she did not intend to sell alcohol. When application was heard on May 4, 2004, the Board agreed that requiring only a residential use in a building that had been a commercial structure for more than 140 years would be a hardship. However, the Zoning Board did impose conditions concerning (1) alcohol sales, (2) hours of operation, and (3) days of operation. Those terms, though, were not the product of extensive compromise and balancing of competing interests. Rather, the Board simply transcribed the applicant's own descriptions of her business from her initial letter to the City and labelled them "conditions."

We will be operating a restaurant under that same variance and are not asking the Zoning Board to reanalyze whether a business use is appropriate in a residential area. Thus, the traditional four-prong analysis is not the test here. Instead, we are asking that the conditions—crafted by and for the first business—be modified to accommodate the new business. Regardless, the three existing conditions would work a hardship on the business, and no other businesses in the same neighborhood have been subjected to the same limits. Because they were written for (and by) a different business nearly two decades ago, they do not make sense when applied to the proposed café and will affirmatively prevent using the building for a resident-friendly use. Therefore, we are asking the Board to relax the conditions on the 2004 variance.

Additionally, the 2004 variance does not include any condition concerning off-street parking at all, yet the City's zoning officials have said that they will now attempt to add a condition to the existing variance on that topic. Nothing in the 2004 variance prevents using the building's side yard for outdoor dining right now without any additional approvals. We are asking the Board to clarify that the 2004 variance contains nothing against outdoor dining.

Last month, we received a letter from the City zoning officials laying out the City's position on four topics. Each of those positions has been copied from the City's correspondence and is followed with our response.

1. **"This property, 176 Line St., is zoned residentially, which does not typically allow commercial businesses. In 2004, however, the owners received approval from the Board of Zoning Appeals—Zoning for a Restaurant. In short, this approval was given with the following conditions:"**

a. **"No Alcohol sales."**

At first, 176 Line Street was operated as a short-lived restaurant and then PeeWee's Grocery but more memorably was the home of Nana's Soul Food starting in about 2010. The owner of the first business opened a business, but never intended to serve wine and beer and never sought an ABL license. "No alcohol sales" was reciting the facts, not announcing a concession in return for the variance. That is, the Board might well have said, "Restaurant to serve seafood" or "Convenience store will not sell Pepsi products" without intending to limit all future uses to just seafood or Coke.

Regardless, we understand that the Board may weigh beer and wine sales in deciding whether to permit the use of a building. However, since 2004, many establishments within just two blocks

have successfully sought permission to responsibly serve beer and wine. For example, Daps (280 Ashley Ave.) and Chasing Sage (267 Rutledge Ave.) have been allowed to open and seek an ABL license. Of course, other businesses have been selling beer and wine long before 2004. For instance, Mr. B's Social Club is in the *exact same building* as we are and has sold beer and wine without incident for many years.

We are established restaurant owners who have been licensed since 2014 to sell wine and beer at our existing restaurant, the Wickliffe House, just a few blocks away at 178 Ashley Ave. In all that time, we have never had an issue with the sale of wine and beer, and we certainly would maintain those same high standards at 176 Line St.

Not allowing sales of wine and beer would seriously handicap our ability to operate a restaurant. The income for wine and beer sales generates a significant portion of any restaurant's profits, and without that income, a dine-in restaurant is hard to sustain.

Other properties in the area do not face the same limit (and indeed were granted variances without it). Expecting a condition that simply tracked a different business's own plans from 2004 to apply to a different café years later in a changed neighborhood would not only be a significant hardship on the business, it would effectively bar the community from enjoying a sympathetic business at the location.

**b. "Hours of Operation are Limited to Monday-Saturday 10 a.m. - 7 p.m."**

Again, there is no indication that the hours of operation attached to the 2004 variance were anything other than a recitation of the desired hours for the earlier businesses, not a deliberately chosen window as a concession for the variance. Nana's Soul Food, for instance, was not a dine-in restaurant that catered to dinners. Instead, the restaurant focused its options on mid-day and afternoon meals. The earlier corner store would certainly have focused on times other than 8-10 a.m.

Our restaurant will offer neighbors a place to grab coffee, read the paper, and visit with other neighbors socially in the mornings. At first, we intend to close even earlier than 7 p.m. until we have established ourselves and worked out any staffing issues. However, we would like to be able to offer a broader range of service than just quick drop-ins and coffee.

As noted above, several other restaurants have opened in the neighborhood since 2004, and they were each allowed a larger window for activity than 10 a.m. to 7 p.m. Daps, for instance, is a breakfast destination that is allowed to open at 8 a.m. Likewise, 132 Spring Street Coffee & Kitchen Bar opens at 8:30 a.m. (9:00 a.m. on Sundays). Chasing Sage is a dinner location and operates until 9 p.m., and Charleston Burger at 218 President St. is open until 8:00 p.m. every night.

Opening a restaurant is a risky financial move, and we would like as much flexibility as can be offered, balancing, of course, the interests of our future neighbors. We have already invested over \$200,000 into the project, and we would ask for expanded hours. No other location in the neighborhood faces the same limit on hours, and excluding our café from serving breakfast would be a significant hardship that actually burdens the neighborhood too.

**c. “Restaurant may not be open on Sunday.”**

Like earlier businesses at 176 Line Street, we do not plan on being open on Sundays. However, we would like that option so that our business plan can be flexed as needed. But please know that, even if we should find ourselves opening on Sundays and moving our off-day elsewhere in the week, we will not be operating with a Sunday beer and wine sales permit. Licensure for Sunday alcohol sales is a different license than from Monday-Saturday sales, and we are not seeking such a Sunday license. Rather, we would simply like the option to sell coffee and bagels on a Sunday morning.

Again, other business that have opened since 2004 have not been prevented from operating on Sundays. Most of them (but not all) do provide for an off-day, and we intend to do so too. Most restaurants (other than chains) follow this same model, and we would too. We would simply ask that, if possible, the off-day not be selected by the Zoning Board before the restaurant opens and can get a sense for the optimal day to be closed. Banning a small café from conducting business on a Sunday in advance seems unreasonable.

**2. “The floorplan provided on your application appears to show outdoor tables/chairs in the ‘patio’ space. Given that this property has no ‘on site’ parking, expanding the patron use area in such a way is not allowed.”**

As noted above, the City zoning officials have told us that we will not be allowed to make use of the side yard of our location for dining, apparently to extract a concession about off-street parking that was in no way part of the 2004 variance.

A new business in the neighborhood is ordinarily expected to provide a certain number of off-street parking spaces. Since that requirement was crafted for suburban developments, virtually every business on the peninsula falls short, and variances are very frequently granted. When a noncomplying business has *some* parking, but not enough, the business might reasonably be expected to not make the situation worse by later eliminating the spaces that it was providing when the variance was granted. However, there is nothing in the 2004 variance that addressing the parking requirements at all, and none of the conditions relates to parking in any way.

When the variance was granted in 2004, there were no off-street parking spaces, and the variance did not mention anything about providing them in the future. Rather, like so many other businesses, the variance was issued with the parking deficit in mind, hence the need for the variance in the first place.

The building at 176 Line Street was built between 1857 and 1861 as a corner store operated by Anna Busch, the widow of German grocer. The area along the west edge of the corner store is not now, and has never been, a driveway. It has always been a side yard used for storage. A review of even the views from Google Maps shows that for more than 15 years the side yard has been fenced off (and sometimes chained off behind gates) and has had a large, tent structure filling the area. We have talked to our neighbors who have lived in the area for *generations*, and none of them recalls the side yard ever being used as a driveway even temporarily.

Furthermore, because of continuing COVID precautions, we have applied for a permit for sidewalk dining. We have purposely not included indoor seating beyond eight counter seats, attempting to encourage guests to eat simply and safely in the fresh air. We ask that this small space be allowed to hold a few tables and chairs, as included on our site plan. Not allowing us to do so would cause a hardship in that diners might try to vie for indoor seats, unsafely filling the space.

The 2004 variance contained no limits on the use of the side yard in any way. At any point during the last 17 years, the side yard could have been used for dining without any addition permission sought at all. Banning outdoor dining will not increase off-street parking or prevent the loss of off-street parking. Adding a condition now, after 17 years, to punish us for not having off-street parking would be tantamount to banning rooftop dining or adding a fountain in a rear garden because of nonconforming parking.



We would ask that the Zoning Board reject the notion that outdoor dining even needs additional permitting at all, and certainly that outdoor dining in our side yard would be objectionable.

**3. “If you still wish to operate at this location given the conditions listed above, please submit a new (pdf) application bringing your application form into compliance with the conditions mentioned above to permits “charleston-sc.gov”**

We re-submitted our business license last week, modifying it to comply with the 2004 variance. We absolutely wish to continue at this location and have invested more than considerable time, sweat, and money into restoring this property. It is our wish that you consider the significant hardships that adhering to these constraints will impose on our little cafe.

In addition to addressing the City’s concerns, we wish to convey to the BZA that we have been given a great deal of support by the neighbors at 176 Line Street. (A letter of support with signatures is forthcoming.) We have also presented our intentions to the Westside Neighborhood Association Board and have done our very best to address their questions. We have assured them that we will continue to listen to their concerns and will work to be responsible business neighbors, as well as owners who will be onsite and personally invested in maintaining the quality of life enjoyed by this wonderful downtown neighborhood.

In conclusion, we ask the Board to relax the conditions that were written in 2004 and replace them (not erase them) with more appropriate limits. We are fully aware that neighbors are concerned about any unknown development, and we are eager to allay those concerns. To do so, we would gladly agree to different conditions that better synch with our use. As just one example, we understand after having attended the Westside Neighborhood Association meeting last month that traffic can be a problem. Specifically, we understand (and have seen) traffic backups on Ashley Ave. caused by Uber Eats drivers illegally blocking Ashley Ave. while picking up delivery orders from Daps. We would be glad to agree not to enroll in such delivery services.

Each of the conditions from the 2004 variance has room to be amended in ways that both permit a vibrant new amenity in the neighborhood and also prevent any undesirable consequences to residents. Because the City zoning officials have announced that they will simply oppose our plans, we have been left in the awkward position of being willing to compromise but having no one to work with. We are glad to address possible replacement conditions with the Board.

Thank you for your attention to this request, and we look forward to seeing you (at least on Zoom) soon.

Kindly,

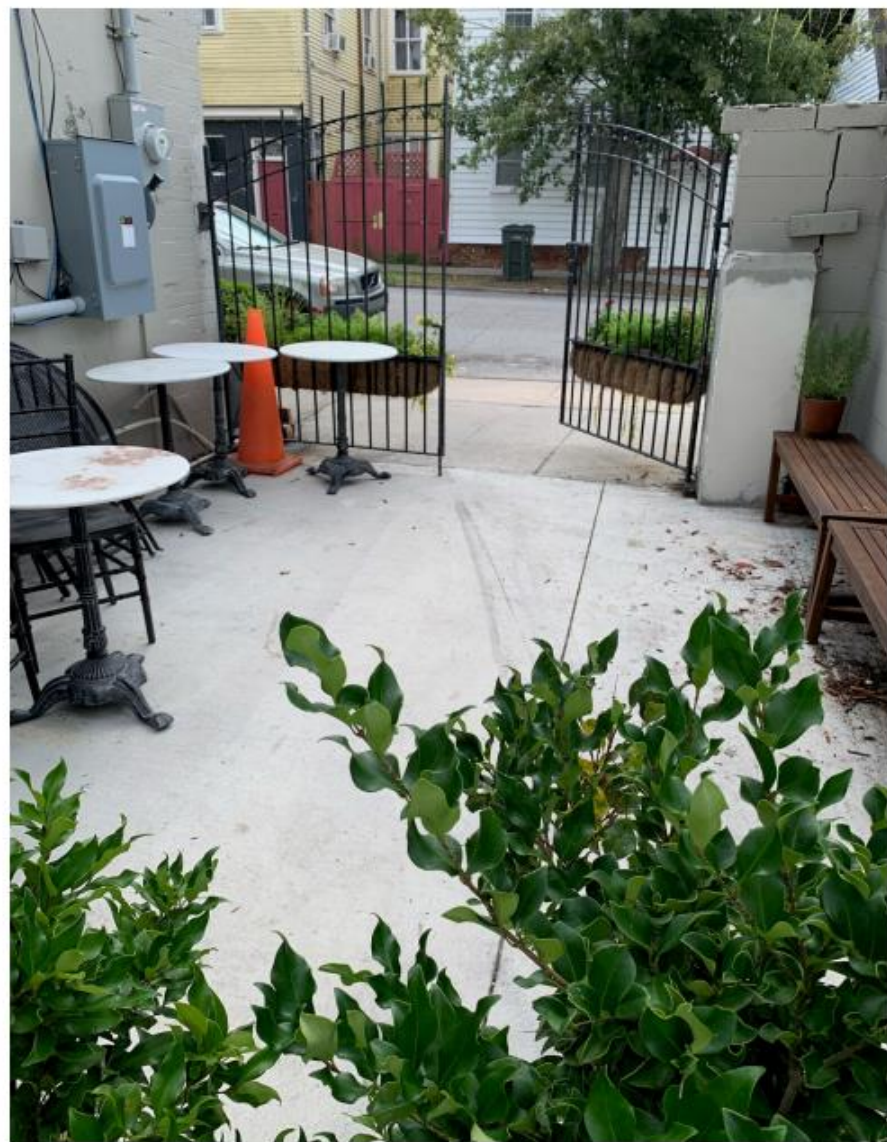
Wendy and Jeff Gleim

54 Parkwood Avenue

Charleston, SC 29403

wendygleim@mac.com 843-478-7497

jeff.littleline@gmail.com 843-442-2082







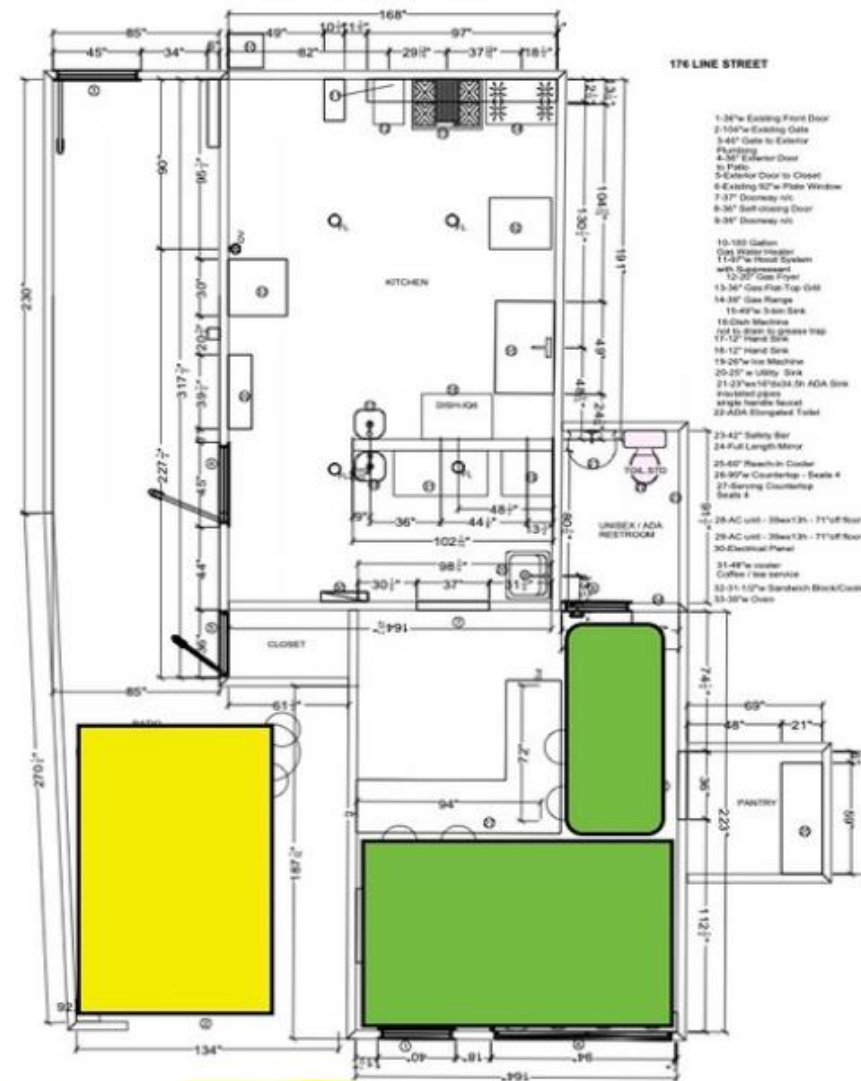












Inside patron use area 455sf  
 Outside patron use area 143sf

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Mr. B's

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## Memorandum

To: Whom it May Concern  
From: Bennie Gardner Jr.  
Date: September 3, 2021  
Re: Permitting

To Whom it May Concern:

I am in the process of having my building on 176 Line Street renovated for new tenant Wendy Gleim , but I has come to my attention that she is experiencing some difficulty in getting things up and running. Between myself and Wendy, we have spent over \$200,000 on renovations, in preparation of opening.

Wendy has been a proud business owner in the city for over 20 years, with a reputation that proceeds her. I, without reservation, recommend approval for Wendy to move forward in the opening of Little Line.

I believe Little Line will be an asset to the community. The beatification of the building, and dedication to improvement is only a scratch on the surface of the positive vision I see Little Line bringing to the area.

Respectfully,

Bennie Gardner Jr.



## **Letter of Support for Little Line Kitchen and Provisions.**

By signing below, I offer my support for the cafe that is set to open at 176 Line Street in the neighborhood of Westside in downtown Charleston, SC.

In particular, I do not object to it's intentions to:

- Open at 8 a.m.
- Have the right to open on Sunday, though it has no plans to do so as of now.
- Use it's small patio for guest's to eat and drink at.
- Apply for a beer and wine license so that it can responsibly serve it's guests, just like other businesses nearby (Chasing Sage, Bodega Todo, Dap's.)

We cannot wait to be a part of this wonderful neighborhood.

Jeff & Wendy Gleim

name (printed)	address	neighborh'd	signature
Bernice Wilson	21 Huron	westside	Ms. Bernice Wilson
SENYIC GAROWEN	726 Rutledge		
Charles Montgomery	404 Sumter St	Westside	Charles Montgomery
Omar Averett	108 King St. Crossing	Westside	Omar Averett
Antonia Gardner	29 King	Westside	Antonia Gardner
Deborah Schenck			Deborah Schenck
Wanda Jones	214 Kennedy	B	Wanda Jones
OSCAR FORTIN	5225 St. Magnette	Westside	Oscar Fortin
Walter Brown			Walter Brown
JAY WILKIE	212	WESTSIDE	JAY WILKIE
Steven Simons	90 Cannon St	West Side	Steven Simons
Walter Brown			Walter Brown
Dexter Wilson	1140 Seaboard Blvd	Westside	Dexter Wilson
Dexter Wilson	30 Twelfth Ave	Westside	Dexter Wilson
Kevin Sakar	226 St. Margaret St	Westside	Kevin Sakar
Samuel Ravenel	44 Chapel St	"	Samuel Ravenel
Joyce S. S. S.	21 Norman St	West Side	Joyce S. S. S.
Eric Carter			Eric Carter
Edmond W. Brown	227 Grove St		Edmond W. Brown
John W. Williams			John W. Williams
Talib B. Abdul-Hakim		Westside	Talib B. Abdul-Hakim
GEORGE DAVIS		Westside	GEORGE DAVIS
HORACE TAYLOR	S. Charlotte St	Westside	HORACE TAYLOR
John C. Greene	P.O. Box 71782		John C. Greene
Viviane Smith	12 Norman St	Viviane Smith	Viviane Smith
Michael Brown		BIG	Michael Brown
Chas W.			Chas W.
Arthur Lawrence		Westside	Arthur Lawrence
HAROLD BONAPARTE		HAROLD BONAPARTE	HAROLD BONAPARTE
Brimley Elmore	777 Ashley Ave	Westside	Brimley Elmore
Nick Elmore	777 Ashley Ave	West side	Nick Elmore
Colin Richardson	51 Kennedy St		Colin Richardson
Mary Ann Richardson	51 Kennedy St		Mary Ann Richardson
Theresa Royal	2000 Lousian Street	Westside	Theresa Royal
Thomas W. Casey	171 Ashley Ave	Westside	Thomas W. Casey
T. K. WATSON	171 Ashley Ave	West side	T. K. WATSON

Printed)	address	neighborh'd	signature
Hailey Hornbacher	177 line St B	west side	Hailey Hornbacher
Samuel Hornbacher	177 line St B	west side	Samuel Hornbacher
Olivia Franzese	33 Krick St.	west side	Olivia Franzese
Jackson knight	33 Krick St.	west side	Jackson knight
Brianna Palmer	286 Ashley Ave. A	west side	Brianna Palmer
Tracy Knott	286 Ashley Ave. A	west side	Tracy Knott
Joshua McWalt	180 Line St. Apt D	west side	Joshua McWalt
Gus Anastopoulos	179 line street	west side	Gus Anastopoulos
Melvin Brown	324 President St	west side	Melvin Brown
Garvin Ward	177 line street Apt	west side	Garvin Ward
Alexandra Pellegrini	177 line street	west side	Alexandra Pellegrini
AJ Anastopoulos	179 Line Street	west side	AJ Anastopoulos
Wendy Wenzel	54 Parkwood Avenue	west side	Wendy Wenzel
Carl Simone	at Parkwood	west side	Carl Simone



## **Agenda Item #B-5**

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59 SANS SOUCI STREET

(NORTH CENTRAL)

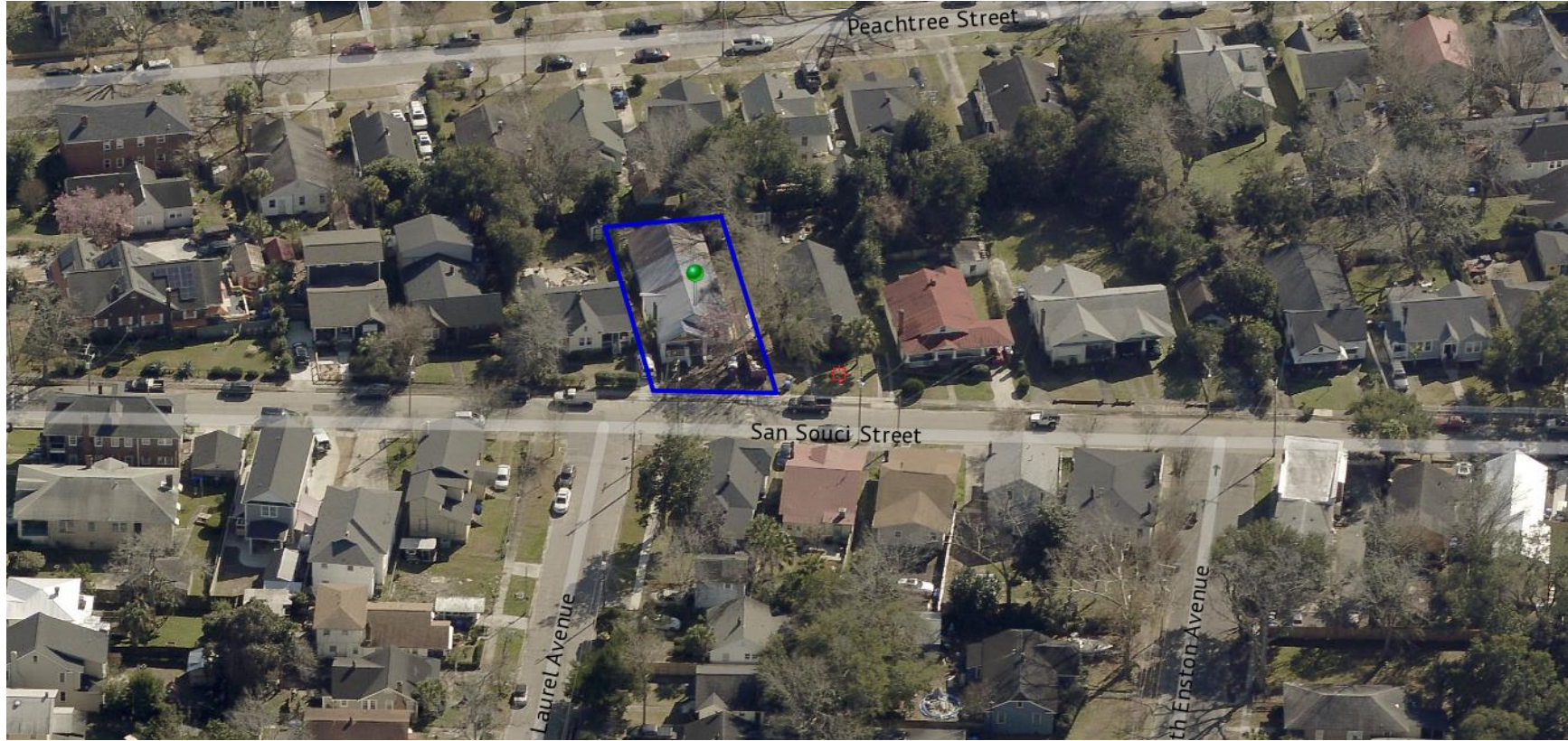
TMS # 463-08-03-041

Request variance from Sec. 54-301 to allow a storage shed addition with a 0-ft. rear setback and 0-ft. west side setback (25-ft. and 9-ft. required).

Zoned SR-2











City of Charleston

**Instructions** – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days.** An appeal to the Board during this appeal period stays all further action on the application.

**THE APPLICANT HEREBY REQUESTS:**

- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.  
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).  
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: October 5, 2021  
Property Address 59 Sans Souci St. Charleston TMS # \_\_\_\_\_  
Property Owner H. Stuart & Kimberly Saunders Daytime Phone 864-630-4858  
Applicant H. Stuart Saunders MD Daytime Phone 864-630-4858  
Applicant's Mailing Address 219 Northbrook Way Greenville SC 29615  
E-mail Address stusaun55@hotmail.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property Residential

**Information required with application: (check information submitted)**

- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)  
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans  
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)  
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)  
☐ Check, credit card or cash (make checks payable to the City of Charleston)  
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

**Optional but very helpful information:**

- ☒ Photographs  
☒ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspection.

Applicant Hal Stuart Saunders MD Date 8-30-21

For office use only

Date application received \_\_\_\_\_

Staffperson \_\_\_\_\_

Fee \$ \_\_\_\_\_

Time application received \_\_\_\_\_

Receipt # \_\_\_\_\_



For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

*Requesting that shed structure can be built on a concrete foundation left in the ground at the back of property. The location of the concrete foundation is next to the property line. Variance requested is to forego the typical 3 to 5 foot setback and permit use of original foundation for building site. Please see attachments.*

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

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**All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.**

#### VARIANCE TEST EXPLANATION

1. There are exceptional conditions pertaining to 59 Sans Souci Street because the previous owner had a one car garage built on a concrete slab that is close to the fence/property line in the backyard. The garage was removed leaving the concrete foundation in place.
2. This pre-existing concrete foundation is not typically found on other properties in the vicinity of this property.
3. Because of the slab location , the application of the ordinance at this site would unreasonably restrict the utilization of the backyard, consuming much of the usable yard area. The typical 3-5 foot setbacks would limit use of yard area and place shed too close to the house structure - see pictures attached.
4. The authorization of the variance would not cause detriment to adjacent property or to the public good – see attached e-mail from next door neighbor (61 Sans Souci St.) who would be closest to shed site.



To Whom It May Concern,

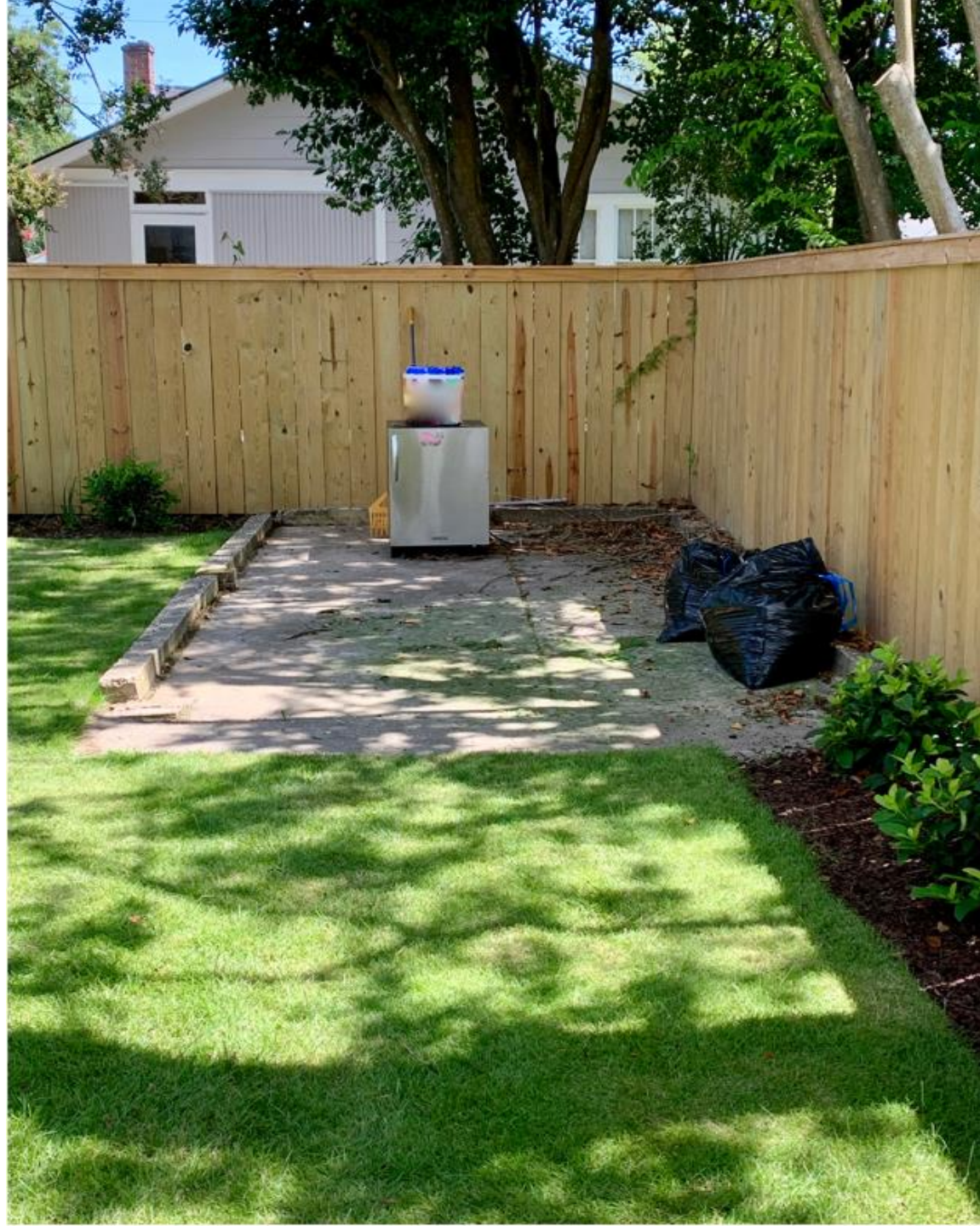
When I purchased 59 San Souci St. Charleston 29403 on 4/21/2020 the previous owner, Lugenia Marion, informed me that she had torn down the 1-car detached garage located at the back right corner of the subject property within the past year. The foundation of the garage still exists on the property currently.

Regards,

A handwritten signature in black ink, appearing to be 'MA' or similar initials, followed by a horizontal line.

Matt Anderson

59 San Souci, LLC

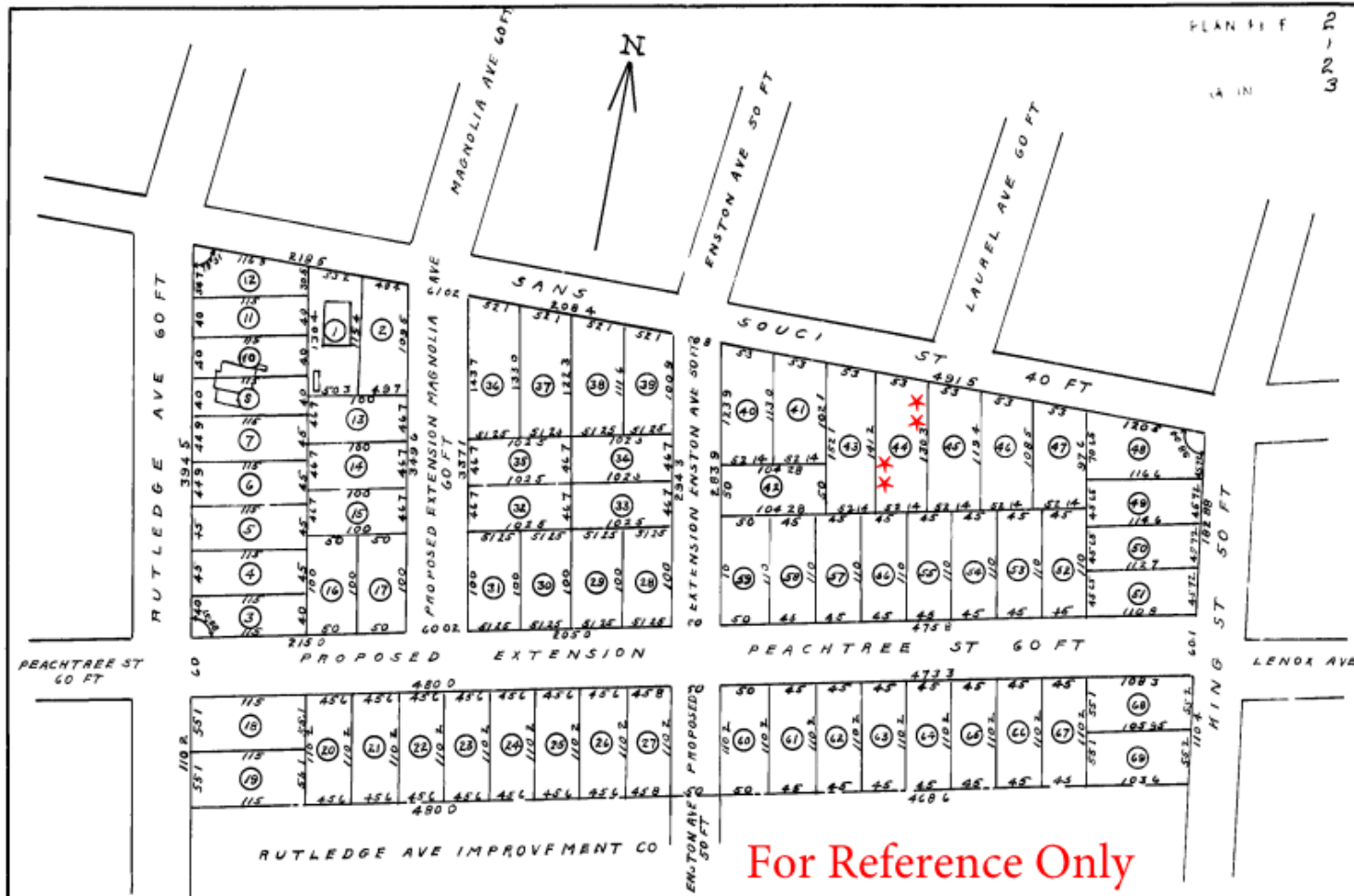










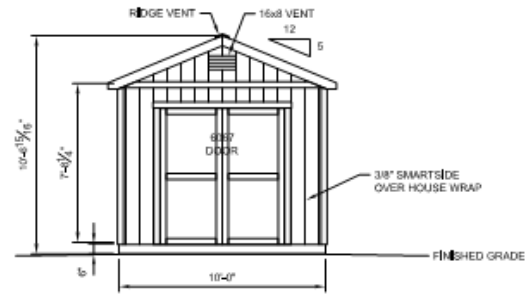


Wm L. Smith

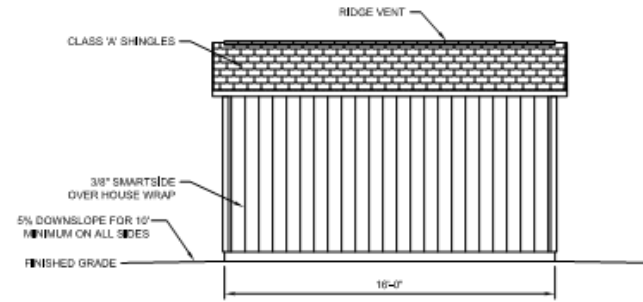
PLAT  
OF  
NARVA TRACT  
LOCATED ON THE SOUTH SIDE OF SANS SOUCI  
STREET AND EXTENDING FROM RUTLEDGE  
AVENUE TO KING STREET  
CHARLESTON S C SCALE 1 INCH = 100 FT JUNE 14, 1935  
SURVEY BY JOSEPH NEEDLE, C E

Register Means Conveyance Office  
Charleston County S.C.  
Recorded for filing in Plat  
Book E page 48 at 10:15 AM April  
19, 1938 This plat furnished by  
Wm L. Smith  
Julius E. Coppswell  
JMC per. L. H. U.S.A.

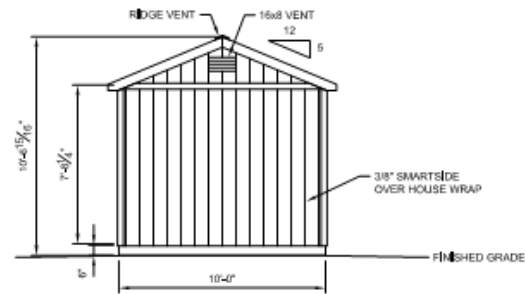




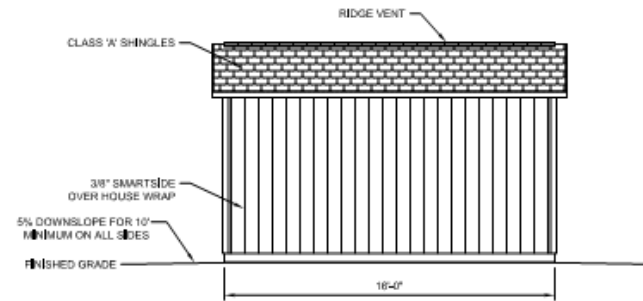
**WALL A ELEVATION**



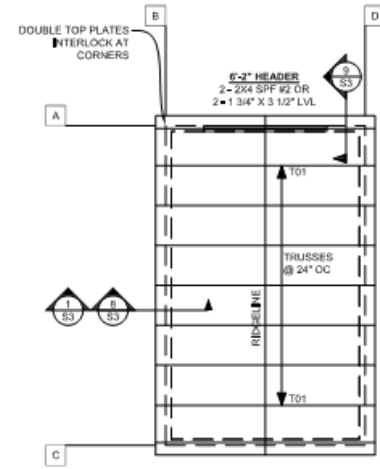
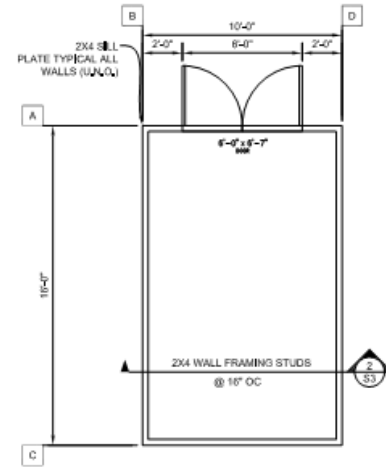
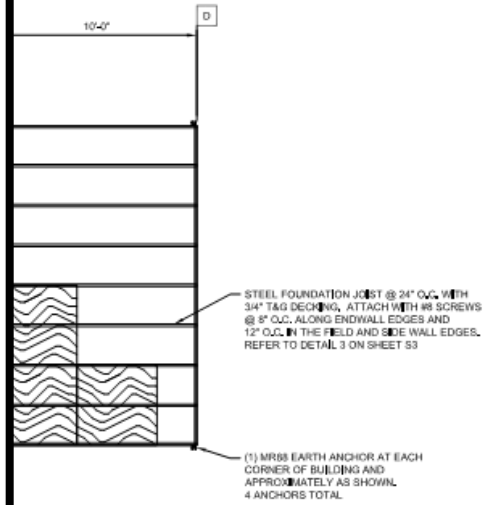
**WALL B ELEVATION**



**WALL C ELEVATION**



**WALL D ELEVATION**



Sent from my iPhone

Begin forwarded message:

**From:** Gregory Gelber <gtgelber521@gmail.com>  
**Date:** August 30, 2021 at 6:44:16 AM EDT  
**To:** mitchsaun32@hotmail.com  
**Subject:** Shed approval

Dear Ms. Ashby,

I am aware that Mr. Saunders at 59 Sans Souci would like to build a shed on a concrete foundation next to the fence that borders my property. I have no objections to the shed or it's location.

Please reach out if you have any questions.

Thank you,

Greg Gelber  
Owner of 61 Sans Souci St  
843-494-2354

Sent from my iPhone

[Reply](#) | [Forward](#)